

1 UNITED STATES DISTRICT COURT
 2 EASTERN DISTRICT OF VIRGINIA
 ALEXANDRIA DIVISION

3 UNITED STATES OF AMERICA,) Case 1:21-cr-245
)
 4 Plaintiff,)
)
 5 v.) Alexandria, Virginia
) October 12, 2022
 6 IGOR Y. DANCHENKO,) 9:06 a.m.
)
 7 Defendant.) Volume 2 (AM Session)
) Pages 256 - 414
 8 _____

9 TRANSCRIPT OF TRIAL

10 BEFORE THE HONORABLE ANTHONY J. TRENGA

11 UNITED STATES DISTRICT COURT JUDGE

12 AND A JURY

13 APPEARANCES:

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24 THE DEFENDANT, IGOR Y. DANCHENKO, IN PERSON

25 COMPUTERIZED TRANSCRIPTION OF STENOGRAPHIC NOTES

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I N D E X2 WITNESSEXAMINATIONPAGE

3 Brian Auten

Further Direct by Mr. Durham

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Cross by Mr. Onorato

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1 (The jury is not present.)

2 THE COURT: Good morning.

3 MR. DURHAM: Good morning, Your Honor.

4 MR. SEARS: Good morning, Your Honor.

5 THE COURT: Any issues? I understand there's
6 something to talk about.

7 MR. DURHAM: Thank you, Your Honor. The
8 government had chatted with counsel last night, and
9 then we had sent an email to chambers. We had
10 gotten -- the defense provided the government with a
11 series of exhibits just before arguments yesterday. So
12 we had the opportunity to go through them last night
13 and discuss some of them with counsel.

14 The government's review of a number of these
15 exhibits -- in some instances, they're emails, the
16 thrust of which the Court has already ruled
17 inadmissible when the government was intending to offer
18 them. So we don't understand what the legal theory is
19 for the admissibility of those. We're questioning the
20 admissibility of those email messages or questioning
21 about email messages in which Mr. Danchenko is not a
22 party to it, nor is Mr. Auten. And as I say, the Court
23 has already ruled, when the government had proposed
24 offering some of the same or similar emails, that they
25 were inadmissible. So we wanted to raise that with the

1 Court because we don't want to have to go unnecessarily
2 to sidebar to discuss these things.

3 Counsel also had provided -- and I can just
4 do this by number to make it easier for the Court --
5 Defendant's Exhibit 404, which is an email from Brian
6 Auten to Mr. Moffa and Peter that's dated August 27,
7 2017. The government doesn't believe that that is in
8 any way admissible. There's no -- they won't be able
9 to lay some foundation, and it will be misleading to
10 the jury.

11 I think that this may have come up at an
12 early time, one of the early hearings before Your
13 Honor, but it has to do with some surveillance that the
14 bureau was doing on that date, and Millian showed up in
15 a car. So I'm not certain what the relevance of that
16 is other than to mislead the jury. The fact that the
17 bureau was surveilling one person, not Millian, and
18 Millian was in a car, when he was the president of the
19 Russian Chamber of Commerce, is completely irrelevant
20 to these proceedings. It would lead to improper
21 conjecture on the part of the jury. And in view of
22 that fact, it's inadmissible in the government's view.

23 The defense also provided somewhat out
24 context a document. It's marked Defendant's
25 Exhibit 415. Again, I don't believe that the defendant

1 is going to be able to establish, through this witness
2 or any other witness that we're aware of, any proper
3 foundation for the admissibility of a partial report.
4 There's no indication that the defense believes that
5 the witness even knows about it, and it's not connected
6 to anything in this case on its face. Accordingly,
7 it's inadmissible.

8 Defense Exhibit 420 -- one of these emails I
9 referenced -- is the exact same email that had
10 previously been marked as Government's Exhibit 201.
11 The Court ruled as it did concerning admissibility
12 because of the defendant's objection. So we pulled
13 that from the exhibit list, and now the defendant has
14 given us notice that he wants to put that before the
15 jury. So we object to that for the same reasons that
16 the Court previously ruled, the same basis the Court
17 previously ruled on this.

18 There are a series of emails that counsel has
19 marked where there's no objection because the
20 government already intends to put those before the
21 jury. So I don't think that there's going to be an
22 objection on the part of the defense to the
23 government's exhibits. But to the extent that there
24 is, the relevant defense exhibits, which are the same
25 thing, Defense Exhibits 421, 421T, and I believe 422A,

1 which is the certification page.

2 (Counsel confer.)

3 MR. DURHAM: And with respect to Defendant's
4 Exhibit 422B, it's an Amtrak record. The government is
5 intending to put that in. I think we had taken it off
6 of our list because we weren't sure as to its relevance
7 or importance, but we're perfectly willing to put that
8 in since we had previously intended to do that.

9 THE COURT: All right.

10 MR. DURHAM: Defense Exhibit -- Proposed
11 Exhibit 424 is identical to Government's Exhibit 1400.
12 So there's no objection to that because -- and,
13 presumably, the defense won't object to it. So that
14 will come in.

15 Then the defendant has marked as Defendant's
16 Exhibit 426 a particular email. I think it was taken
17 at the Bronx Zoo on July 28, 2016. I just wanted to
18 alert the Court: With respect to the defendant's offer
19 of those materials, there's a -- I'll say it's greatly
20 extended. It's not a huge chain, but there are a
21 number of emails. We don't believe the defendant is
22 going to be able to establish a foundation through this
23 witness for the admissibility of that. He, Mr. Auten,
24 is not on the email exchange, and the defendant can't
25 offer his own self-serving statements unless he were to

1 testify. And so we just wanted to alert the Court to
2 426 if the defendant does intend to offer that. We
3 don't believe there's a proper evidentiary basis for it
4 to be admitted.

5 The defendant has Defense Exhibit 428, which
6 is a Facebook record, and 428T, which is a translation
7 of that Facebook record. It's unclear to the
8 government how the defendant can get this record in
9 through Mr. Auten or any other witness. But we wanted
10 to alert the Court that there's, I think, a significant
11 foundational problem for the defense. That one does
12 involve the defendant and his self-serving statements
13 or his statements. Out-of-court statements are not
14 admissible unless he were to, again, take the stand.

15 Then the defendant has marked as Exhibit 472
16 and 472T another communication. The defendant is not
17 on the communication, and Mr. Auten is not on the
18 communication. It's between Sergei Millian and
19 Mr. Zlodorev from July 10th of 2015. So it's a year
20 earlier. We don't believe that on its face it is in
21 any way relevant. It's total hearsay, and it's
22 out-of-court statements. There's no foundation -- a
23 proper foundation for it to be admitted.

24 Then the defendant has Defense Exhibit 476,
25 which appears to be an email from Mr. Millian to

1 Zlodorev in March of 2016. So, you know, it's outside
2 the scope -- or the time period relevant to these
3 proceedings and has attached to it some pictures of
4 Mr. Millian with various individuals, including Donald
5 Trump from some undated time. We don't see how that's
6 admissible in this proceeding.

7 477 is another email, this one from Millian
8 to Michael Cohen, the Trump organization. Auten is not
9 on it. The defendant is not on it. It's from a time
10 period outside the scope of this indictment,
11 specifically March 15th of 2016. So it would be
12 hearsay. It's not a comment or statement. It is some
13 kind of communication by a party opponent.
14 Accordingly, it is irrelevant. We would ask the Court
15 not to permit questioning from the jury on these
16 matters.

17 The defendant has provided what he has
18 premarked as Defendant's Exhibit 480, 4-8-0, which is
19 an email, a LinkedIn message from Millian to George
20 Papadopoulos. Unless the defendant is going to somehow
21 explain to the jury what Millian and Papadopoulos were
22 communicating about at this period of time, then the
23 Court should not permit it. Papadopoulos and Millian,
24 as I think the defense knows from the discovery in this
25 case, were exchanging any number of emails or Facebook

1 exchanges or LinkedIn all about real estate, potential
2 real estate transactions.

3 And so what the defense would be asking the
4 jury to do is to draw some adverse inference that there
5 was something going on between Millian and Papadopoulos
6 that they really don't know about, but it certainly
7 sounds creepy. Well, in fact, if you look at what the
8 communications were, as I say, between Papadopoulos and
9 Millian, they are all about real estate, potential real
10 estate investments.

11 THE COURT: Before we go any further, is
12 Mr. Auten in the courtroom?

13 MR. DURHAM: He is outside, Your Honor.

14 THE COURT: Okay. That's fine. Thank you.

15 MR. DURHAM: Yes, Your Honor.

16 So we believe that that's completely
17 inadmissible and, ultimately, would then sort of
18 descend into a mini trial about what Millian and
19 Papadopoulos were talking about or communicating about
20 in these exchanges, which we think is best avoided.

21 Defendant's Exhibit 481 and 481T is another
22 communication between Millian and some unknown person.
23 All you have is the AOL account name. Again, Auten is
24 not on it. The defendant is not on it. It's
25 irrelevant to these proceedings and inadmissible in the

1 government's view.

2 Defendant's Exhibits 482 and 482T, similarly,
3 it's an email by Millian to Zlodorev. Auten is not on
4 it. The defendant is not on it. There's not going to
5 be any evidence, to the government's knowledge, the
6 defendant had any knowledge of this. Therefore, it is
7 inadmissible as being irrelevant and for lack of
8 foundation in these proceedings.

9 Defense Exhibit 483 is yet another
10 communication from Millian to another person, which,
11 again, absent some foundation for its admissibility,
12 should not come in.

13 And then Defense Exhibit 486 -- and I
14 apologize for taking the Court's time up. We just got
15 these yesterday.

16 THE COURT: That's fine.

17 MR. DURHAM: 486 is from Millian to
18 Papadopoulos. Again, you know, its irrelevant to these
19 proceedings, but for the same reason, in the
20 government's view, it would be inadmissible unless we
21 want to get into evidence relating to what Papadopoulos
22 and Millian were doing at or about the time these email
23 exchanges were occurring.

24 And then, finally, Defense Exhibit 497, those
25 are the field notes of Brian Auten that were provided

1 to the defense along with the other discovery. I don't
2 know that defense counsel intends to offer that. So
3 that's probably not a live issue.

4 THE COURT: All right. Thank you.

5 MR. DURHAM: Thank you, Your Honor.

6 THE COURT: Mr. Onorato.

7 MR. ONORATO: Your Honor, I'm going take a
8 couple of the issues, and Mr. Sears will take the
9 remaining.

10 THE COURT: All right.

11 MR. ONORATO: Thank you.

12 So, Your Honor, I'm going to start just with
13 the point of some of the communications that Millian
14 would have had and, if I can, direct the Court's
15 attention to 472T. The whole import of that is that --

16 THE COURT: Do I have these?

17 MR. ONORATO: Your Honor, you do.

18 THE COURT: All right. Which one are we
19 looking at?

20 MR. ONORATO: So it's 472T. It's dated
21 July 15th of 2015.

22 THE COURT: All right.

23 (Reporter clarification.)

24 MR. ONORATO: So, Your Honor, the import of
25 that is pretty simple. We don't want any information

1 beyond Mr. Millian having a new Moscow phone number.
2 The government's impression is that Mr. Millian
3 couldn't have communicated because he had turned off
4 his U.S. cell phone carrier in 2016, but it's clear
5 that Mr. Millian had access to other telephones and
6 telephone numbers to make calls. And so I think it's
7 important for the jury to hear about that.

8 THE COURT: But how does this get in?

9 MR. ONORATO: So I'll cross-examine the
10 witness and see whether he knows about these facts.

11 THE COURT: All right.

12 MR. ONORATO: But I think that's important.

13 MR. DURHAM: Your Honor, I'm going to ask
14 that the Court just inquire as to whether counsel has
15 some good faith basis to believe that Mr. Auten would
16 know about this email.

17 MR. ONORATO: Not the email, just the phone
18 number, just that he had foreign phone numbers. I
19 don't want to talk about the content of the email.

20 MR. DURHAM: So, as I understand it, they're
21 not offering the email?

22 THE COURT: Correct. That's what I'm
23 hearing.

24 MR. ONORATO: Just that fact.

25 THE COURT: That's what I'm hearing. All

1 right.

2 MR. ONORATO: Just that fact, Your Honor.

3 MR. DURHAM: I'm assuming, though, the
4 question -- is it going to be in the form of assuming
5 facts not in evidence?

6 THE COURT: Well, we'll see what the question
7 is.

8 MR. ONORATO: Okay. 476, the only thing that
9 I want to do is see -- ask him if he's seen photographs
10 of Mr. Millian with Mr. Trump.

11 THE COURT: Asking Mr. Auten?

12 MR. ONORATO: If he's seen photographs of
13 them and show him that photograph. I'm not going to
14 produce the email, but I think that was widely on the
15 Internet and available. And if he knows about it, he
16 knows about it. And then if he does, I'll show it to
17 him and move it in.

18 THE COURT: And what's the relevance of this?

19 MR. ONORATO: Because Mr. Millian was on the
20 government's radar screen before the release of the
21 Steele report, and you're going to hear evidence that
22 there's what they call a tactical targeting package
23 that was prepared prior to the release of the Steele
24 report involving Mr. Millian and that Mr. Auten helped
25 prepare it and edit it and it had a lot of relevant

1 facts of the government's investigation of Mr. Millian
2 at that point. And so it goes to the issue of
3 materiality that the government has raised.

4 THE COURT: All right.

5 MR. ONORATO: 477, again, Mr. Millian is
6 sending an email to Mr. Cohen of the Trump organization
7 indicating that he has insider knowledge of what's
8 happening in Russia after ten years and talking about
9 wanting to connect on the policy team. I'm going to
10 ask him questions about whether he knows those things
11 and see if this could refresh his recollection about
12 whether he knew those at the time. Again, if he gives
13 me the answers, I'm good. I understand what the
14 Court's concern is.

15 THE COURT: And this goes to materiality?

16 MR. ONORATO: Correct.

17 Now, Judge, this is where we're in the
18 critical juncture. If you look at Defendant's
19 Exhibit 480 -- and if I could set the timeline for the
20 Court, the relevant time period is May of 2016 when
21 Mr. Danchenko has communication with the two reporters
22 about an introduction to Millian. I understand that
23 the government is going to be showing evidence that
24 Mr. Millian's telephone number -- his 404 Atlanta
25 number was disconnected on July 14th.

1 On July 15th, he sends an email, a LinkedIn
2 message. There's no dispute that that message was
3 sent. It was kept in the ordinary course of business.
4 The government understands that.

5 And then I don't want any of the facts if
6 you'll look at the second page, but this is the
7 critical time frame when they're saying that he
8 couldn't have been using a device or a phone. He says,
9 Please don't hesitate to contact me at (212) 844 --

10 THE COURT: I'm sorry. I'm looking at 480?

11 MR. ONORATO: 480. Okay.

12 THE COURT: I have a LinkedIn message from
13 Sergei Millian to --

14 MR. ONORATO: Correct. And then if you would
15 go to the second page of that -- Your Honor, I
16 apologize. And if you go halfway down the page --

17 THE COURT: Oh, I see the highlighted area.

18 MR. ONORATO: Judge, I don't want anything
19 about the "Dear George," just that Mr. Millian was
20 telling people when his phone was disconnected to call
21 him or contact him at that phone number or his personal
22 email.

23 And then if you look, it was sent from his
24 iPad. An iPad, of course, is a device that allows
25 FaceTime use, that he had communication devices in the

1 relevant time period here.

2 THE COURT: But, again, how does this get in?
3 You're going to ask Mr. Auten about this?

4 MR. ONORATO: What I would like the Court to
5 do -- so I think this is admissible because the
6 impression that the government left with the jury and
7 that they're going to leave with the jury is that
8 Millian was not communicating with anybody when he was
9 overseas by telephone or otherwise. This contradicts
10 that. If they'll stipulate that they know that he had
11 an iPad, if they'll stipulate that they know he used
12 WhatsApp, if they'll stipulate that they know that he
13 used Skype, if they'll stipulate that they know that he
14 gave someone his 212 number, none of this matters to
15 me. Those are the only facts in that time frame.
16 Maybe the government can answer that question.

17 THE COURT: Well, it's clearly hearsay. So
18 how does it get past the hearsay objection?

19 MR. ONORATO: Just that it's not for the
20 truth, Judge, just that the government is aware that
21 Mr. Millian had access to communication devices in the
22 relevant time period.

23 THE COURT: Well, if that foundation is laid.

24 MR. ONORATO: It's the truth.

25 THE COURT: And you're going to try to get

1 this in through Mr. Auten?

2 MR. ONORATO: I'm sorry?

3 THE COURT: You're going to try to get that
4 fact in through Mr. Auten?

5 MR. ONORATO: Yes. And whether the
6 government in their preparation of him, right, did they
7 make you aware. Because they're going to make it look
8 like Mr. Danchenko didn't give you this email, didn't
9 give you that email. Are you aware that he had the
10 ability to make these calls back then? That's fair.
11 That's just. And I think without that, they have --

12 THE COURT: But he'll answer that question
13 one way or the other. How does that get this document
14 in?

15 MR. ONORATO: Are you aware that Mr. Millian
16 was able to make telephone calls? I mean, this is all
17 part of the government's investigation.

18 THE COURT: Right.

19 MR. ONORATO: We didn't have access to any of
20 it. And for them to create the impression with this
21 jury that Mr. Millian could not make --

22 THE COURT: I understand, but it gets to the
23 admissibility of these documents.

24 MR. ONORATO: Again, I'm not looking for the
25 truth, just that he had access. I'm not saying that he

1 called him from that number. I'm not saying that he
2 did these things. I'm just saying that he had access
3 to that material, and I think that's a fair point.

4 THE COURT: But you don't get that from the
5 fact of the email. You get that from the substance of
6 the email.

7 MR. ONORATO: I get it from -- the fact of
8 the email does give it to me because he uses an iPad or
9 that he used an iPad, that he gives his phone number.
10 The government is going to introduce a record that is
11 connected to that phone number. That's going to be
12 before the jury. So they are going to have that. And
13 the fact that he's telling people to call him on that
14 phone number, to me, it would be misleading if the jury
15 were not able to hear that, again, just to show access.
16 I'm not going to say that Millian --

17 THE COURT: I'm going to have to hear the
18 testimony and what's brought out on direct.

19 MR. ONORATO: Sure.

20 And then it goes to two other important
21 points, and I will bring up one more. So my next
22 one -- and so I hear what the Court is saying. I think
23 these are relevant not for the truth but Mr. Millian,
24 the same day, July 15th of 2016, when Mr. Danchenko
25 says that he made a phone call talking about Donald

1 Trump, he's telling a person -- and the government
2 knows this -- at the beginning of August, a meeting
3 with Trump and his people --

4 THE COURT: What are you reading from?

5 MR. ONORATO: I'm reading from 481T.

6 So 481T and 482T are virtually identical
7 where Millian is saying, "I'm meeting with Trump and
8 his people and I can create, raise questions about
9 Belarus," again, boasting about his connections to the
10 president's campaign.

11 The same thing with respect to 482. These
12 are all -- Judge, the evidence is going to show that in
13 this time frame, this is when the telephone call is
14 occurring. I can think of nothing more relevant, not,
15 again, for the truth of the matter asserted, but to
16 show that Millian was someone who was claiming to have
17 information about these topics that the government is
18 saying Mr. Danchenko reported that were false.

19 MR. DURHAM: Your Honor, in reading --

20 (Reporter clarification.)

21 MR. DURHAM: Yes, I'm sorry.

22 In reading 481T, I think the Court will find
23 it has nothing to do with the facts that we've
24 elicited. In fact, it says nothing at all about what's
25 in Government's Exhibit Report 95.

1 THE COURT: All right.

2 MR. DURHAM: I mean, it's completely other
3 information, and I should raise with respect to --
4 since we just got these yesterday, we do have some
5 translation differences as well.

6 THE COURT: All right.

7 MR. ONORATO: Judge, along the same lines
8 with those two exhibits, it's 483, which I think is,
9 frankly, more powerful. It's in English. It's on 426.
10 He's writing to someone, "Mark, Trump team reached out
11 to me a few weeks ago. We started discussing Russia."
12 We started discussing Russia. That coincides exactly
13 after Mr. Danchenko says, "On the 21st, I send him the
14 email and then before I leave to go on the Amtrak, I
15 get this anonymous call." He leaves for Amtrak at 3:30
16 in the morning. This is --

17 THE COURT: I understand the relevance. I'm
18 really trying to understand how you get past the
19 hearsay.

20 MR. ONORATO: Again, not for the truth of the
21 matter. I don't believe that Mr. Millian actually, you
22 know, had a conversation with the Trump people, but he
23 was telling people that. And so these are all
24 important to show that when Mr. Danchenko -- and the
25 government, what did you do to investigate? Are you

1 aware of these things? Did you subpoena these records?
2 Will they change your mind as an analyst? If the
3 government would have told you about these things,
4 would you conclude that that call -- he could not come
5 to the reasonable belief that that call happened.
6 That's the heart of the matter. They have that
7 evidence, and it sounds like they want to conceal it
8 from the jury. And that doesn't seem fair.

9 THE COURT: I understand their theory.

10 MR. ONORATO: And then 486, again, it's
11 August 5th, a time when his phone record is down that
12 he's giving out --

13 THE COURT: There's no issue as to
14 authenticity, I take it.

15 MR. ONORATO: No. And, Judge, I'm not
16 looking to admit any of the content, and I don't really
17 care that it's with Mr. Papadopoulos. It doesn't
18 matter to me. Just that, again, he's Skyping with
19 people to show that he has access to the machine. He
20 was Skyping with Mr. Papadopoulos, and there's a lot of
21 evidence about that. But that's not really what I'm
22 concerned about. I'm concerned about his access to the
23 communication devices.

24 And I think Mr. Sears is going to handle 426.

25 MR. SEARS: I thought this exhibit was

1 resolved yesterday in argument when I raised the issue.

2 THE COURT: Which exhibit is it?

3 MR. SEARS: This is 426, Defendant's 426,
4 Your Honor. I raised this yesterday morning along with
5 the Amtrak records.

6 THE COURT: Right.

7 MR. SEARS: The Facebook message by
8 Mr. Danchenko that is Exhibit 426 had been a government
9 exhibit until right before trial. And from our
10 perspective, it's a crucial piece of evidence. It's
11 not hearsay. It falls under a very well known and long
12 existing hearsay exception even if the declarant is
13 available. A present sense state of mind is an
14 exception to the hearsay rule. It's 803(3).

15 And Mr. Danchenko's state of mind is the
16 issue in this case on four counts. And that message
17 references a meeting that he believes he's having that
18 evening in the time frame when he's in New York,
19 presumably in his mind with the person he believes
20 could be Sergei Millian. It's not hearsay. How we
21 would get it in --

22 Yesterday the government said they would put
23 it in along with the Amtrak records. Today it seems
24 like that's no longer the case. But I do believe
25 they'll be calling a case agent at some point to talk

1 about investigative methods they use in collecting
2 information and that there's no issue with
3 authenticity. We've stipulated to the authenticity of
4 their Facebook exhibits, and so I don't see how that
5 can be excluded from this trial. It's a very clear
6 exception to the hearsay rule.

7 THE COURT: Well, the question is whether the
8 present sense exception for forward-looking information
9 as an exception to the hearsay rule trumps the rule
10 against admissibility of exculpatory statements by a
11 defendant absent his testifying.

12 MR. SEARS: Well, Your Honor, my reading of
13 the rule -- and I have the case -- the most famous case
14 on this point is the *Lentz* case, which is one of the
15 most famous cases in this courthouse.

16 THE COURT: Right.

17 MR. SEARS: My understanding of the case law
18 is that as long as it's at real time and reflects what
19 his intent or plan is in the very near future, it comes
20 in, and I think --

21 THE COURT: I understand.

22 MR. SEARS: Okay. The other issue I wanted
23 to raise, Your Honor, which is not related to an
24 exhibit, is obviously Sergei Millian is a central
25 figure in this case, and he is not going to be here, as

1 I understand it. And that's kind of a third rail in
2 this trial to some extent, and we've been very careful
3 about how we talked about that fact, about the fact
4 that he's not here. I'm not asking for a missing
5 witness instruction, not jumping up and down in opening
6 statement about how he won't even be here, etc.

7 The government, however -- through the
8 questioning yesterday, he started to elicit information
9 from Mr. Auten about the fact that he's a dual national
10 and not here. I think that's creating a misimpression
11 of the fact that it's not like he's been gone. He
12 wouldn't cooperate. He wouldn't agree to be
13 interviewed by the special counsel. He wouldn't agree
14 to be interviewed by Congress. He totally wanted
15 nothing to do with this investigation.

16 And I feel like the government has opened the
17 door somewhat to that because it's creating a
18 misimpression that he's gone and untouchable and no one
19 can talk to him. And that's not really the history of
20 this case.

21 He's been given plenty of opportunities up
22 until just recently to be interviewed. The FBI was
23 contacting him back there in 2017 via Skype. We have
24 those messages, and he would decline to meet with them.
25 And we've stayed away from that. And, obviously, if

1 you go into that, that does open the door to the fact
2 that he was interviewed more recently.

3 And so I just wanted to raise that issue for
4 the Court because I have a concern about that line of
5 questioning creating that impression, that it makes it
6 sound as if no one has been able to ever talk to him.
7 That's not really true. They've been able to talk him.
8 He's just refused to talk to them until very recently.
9 And I don't know what to do with it at this point, and
10 I want to think about it some more. But I want to flag
11 it for the Court and, frankly, flag it for the
12 government because I thought that that was starting to
13 encroach into an area that might be improper.

14 THE COURT: All right.

15 MR. SEARS: Thank you.

16 MR. DURHAM: Your Honor, if I may.

17 THE COURT: Yes.

18 MR. DURHAM: Just to Mr. Sears' last point
19 and point of fact, to our knowledge, Mr. Millian is
20 outside the country. We did talk to Mr. Millian.
21 Mr. Millian, as he has done in other ways previously,
22 says that he never called Mr. Danchenko and spoke to
23 Mr. Danchenko. He's not willing to come back to the
24 United States because -- and this is his assertion,
25 that he's concerned for his physical safety. He

1 indicates that his family has been threatened and the
2 like, and so he's not inclined to come back.

3 We had talked to him about the possibility
4 under the federal rules of doing some type of
5 deposition and whatnot. We proposed that to counsel.
6 Understandably, counsel is not amenable to that. But
7 nobody should be left with the impression that Millian
8 hasn't been willing to talk to us. He certainly has
9 spoken to us. He's told us what he's said, that he did
10 not have any conversation with Mr. Danchenko. He
11 doesn't know Mr. Danchenko and the like. He's simply
12 not willing to give up his current location and whatnot
13 for fear of his safety. So that's to that point.

14 With respect to the question of present sense
15 impression, I'm not exactly sure how the defendant
16 establishes the evidence of -- I'm sorry, sense
17 impression or state of mind if the defendant doesn't
18 testify, which, of course, he has a constitutional
19 right not to do. But I think that that in the normal
20 course would be how you would go about laying the
21 foundation for that.

22 THE COURT: He wants the inference from the
23 statement in the email that he intends to --

24 MR. DURHAM: That's what he wants. He's
25 offering it for the truth --

1 THE COURT: Right.

2 MR. DURHAM: -- which is a pure hearsay
3 statement.

4 THE COURT: Right. But if it's truly a
5 forward-looking statement reflecting state of mind,
6 there's an exception for the hearsay rule; isn't it?

7 MR. DURHAM: I don't think so, but I'll
8 research that.

9 THE COURT: All right. We'll look at that.

10 MR. DURHAM: Yeah.

11 THE COURT: All right.

12 MR. DURHAM: Thank you, Your Honor.

13 THE COURT: Do you intend to make any further
14 inquiry of Mr. Auten about Mr. Millian and where he is
15 or anything like that?

16 MR. DURHAM: Not as to where he is. In fact,
17 we've communicated through his counsel, but we don't
18 know exactly where he is. We know he's outside the
19 country.

20 THE COURT: All right. Anything else?

21 MR. ONORATO: No, Your Honor.

22 THE COURT: I'll rule on these as they're
23 presented.

24 All right. Let's bring the jury in.

25 (The jury enters at 9:39 a.m.)

1 THE COURT: Please be seated. Good morning.
2 We are now ready to proceed.

3 Mr. Auten will return to the witness stand,
4 please.

5 THE COURT SECURITY OFFICER: He is on his way
6 in, Your Honor.

7 THE COURT: Mr. Auten, you remain under oath.

8 THE WITNESS: Yes.

9 THE COURT: Mr. Durham.

10 MR. DURHAM: Thank you, Your Honor.

11 FURTHER DIRECT EXAMINATION

12 BY MR. DURHAM:

13 Q Mr. Auten, again, I'm going to ask you to make
14 sure you keep your voice up so the jurors can hear you
15 and listen carefully to the questions and answers to
16 the best of your ability. Okay?

17 A Yes.

18 Q I want to try and pick up where we left off
19 yesterday. You had been asked a series of questions
20 relating to the interview that you and Special Agent
21 Somma had done with Mr. Danchenko in January 2017. Do
22 you recall that?

23 A I do.

24 Q And the first date of January 24, 2017, you had
25 given the jurors your recollection of what it is that

1 Mr. Danchenko said the first day of the interview
2 relating to Mr. Millian and a certain purported call.
3 Do you recall that?

4 A I do.

5 Q Just to get everybody back on track, the first day
6 you had said that he had sent two emails, no response,
7 and then got an anonymous call from somebody speaking
8 with a Russian accent and it was male, correct?

9 A That is correct.

10 Q Do you recall, sir -- with respect to what it is
11 that Mr. Danchenko said, did he say what kind of
12 telephone facility he received the call on, that is, a
13 hard line? A cell phone? Do you recall?

14 A My recollection is he said a call.

15 Q Do you remember with any more specificity what
16 type of telephone device was involved or not?

17 A I don't have a recollection as to what type of
18 telephone device.

19 MR. DURHAM: Okay. Can I have just one
20 moment, Your Honor?

21 Give me 100, please.

22 Could the court security officer see if the
23 witness has Government's Exhibit 100?

24 THE WITNESS: I have a version.

25

1 BY MR. DURHAM:

2 Q You have a version of it.

3 What you have in front of you is the portion
4 relating to Report 95, correct?

5 A 100, sorry.

6 Q The excerpt you have relates to -- on page 19 --
7 starting on page 19 going to 20?

8 A Yes, correct.

9 Q And will you take a look at that and see if it
10 refreshes any recollections on either the 24th or the
11 25th, which then appears at 37 as to what kind of
12 device he purportedly received a phone call?

13 A On page 20 -- this would have been the 24th -- it
14 says "phone call."

15 Q All right. And then on the 25th, does he give
16 further information on what kind of facility?

17 MR. ONORATO: Can I object for a minute, Your
18 Honor? Can we approach?

19 THE COURT: I'm sorry?

20 MR. ONORATO: Can we approach?

21 THE COURT: Yes.

22 Are you ready to proceed?

23 MR. ONORATO: Oh, I'm okay.

24 THE COURT: All right.

25 BY MR. DURHAM:

1 Q You have no recollection as to what kind of phone
2 it was that he supposedly received the call on?

3 A No.

4 Q And then on -- so he received this call, correct?
5 And then he went back to that issue -- well, let me
6 withdraw that.

7 Then that occurred in late July according to
8 Mr. Danchenko?

9 A Yes.

10 Q And then on the 25th, the next day, you -- so
11 we're getting towards the very end of the day -- you
12 had indicated that you said he had gotten -- he had
13 sent one email, correct?

14 A Correct.

15 Q And then he got a call?

16 A Correct.

17 Q And it was only at a later point in time in
18 September that he had sent a second email?

19 A Correct.

20 Q And, again, just to try to reorient folks, the
21 phone call that Mr. Danchenko said that he had received
22 lasted 10 to 15 minutes; that's what he said the second
23 day?

24 A Correct.

25 Q But, again, the meeting occurred toward the end of

1 July according to Mr. Danchenko?

2 A Correct.

3 Q To the best of your recollection, did you and/or
4 Special Agent Somma go back to this issue on the third
5 day of the interview, that is, on January 26?

6 A My recollection is no.

7 Q I'm sorry?

8 A No.

9 Q Do you recall, sir, yesterday you had told the
10 jurors that when Mr. Danchenko started to be paid as an
11 informant for the FBI, that you or members of the group
12 that you were working with would provide questions to
13 Special Agent Helson to pose to Mr. Danchenko at
14 various times on various subject matters relating to
15 the dossier? Do you recall that?

16 A Yes.

17 Q And that's still your recollection?

18 A Yes.

19 Q Do you recall whether or not at any point in time
20 among the questions that you had given to Special Agent
21 Helson to ask of Mr. Danchenko, whether they related in
22 any way to Sergei Millian?

23 A I believe at one point -- I want to say in April
24 or May or June of 2017 -- I had analysts who had sent
25 emails or an email to Mr. Helson asking sort of some

1 clarification regarding Source D and Source E.

2 Q Okay. And then with respect to your conversations
3 or interviews of Mr. Millian in January of 2017, what,
4 to the best of your recollection, was it that
5 Mr. Danchenko said relating to what the caller that he
6 claims to believe was Millian said?

7 A I'm sorry. What --

8 Q Sure. With respect to what Mr. Danchenko told you
9 and Special Agent Somma in the January interview, what
10 was it that Mr. Danchenko said he learned from this
11 anonymous caller?

12 A So from the anonymous call, he had learned
13 about -- material about the relationship between the
14 Trump campaign -- I'd have to go back and -- if I can
15 refresh my memory, it would be helpful.

16 Q Sure.

17 A Sure. Okay.

18 Looking on the 24th --

19 MR. ONORATO: Your Honor, I'm just going to
20 object. I don't know if the witness is testifying from
21 his memory or reading from the document. He can
22 refresh his recollection. I have no problem with that.

23 THE COURT: Let's have the question and see
24 if he can answer. And then if he needs to refresh his
25 recollection, we can proceed in that fashion.

1 BY MR. DURHAM:

2 Q Having looked at your own report, does that
3 refresh your recollection in any way, sir, as to what
4 it is that the defendant told you and Special Agent
5 Somma in the January interviews concerning what this
6 purported anonymous caller had said?

7 A He had talked about a relationship between -- with
8 the Trump campaign and Russia and issues involving, I
9 think, kind of whether or not there was any
10 relationship and a kind of -- I don't think he used the
11 term "well-developed conspiracy" in that, but it was
12 along those lines.

13 Q Okay. And then you reported that and recorded
14 that in the report in preparing the interviews,
15 correct?

16 A That is correct.

17 Q Now, do you recall yesterday you were asked a
18 question about whether or not Mr. Danchenko had
19 provided any document or documents relating to
20 Mr. Millian and this series of emails that he had
21 spoken to you about?

22 A Correct.

23 Q And can you tell the ladies and gentlemen of the
24 jury how many, if any, emails Mr. Danchenko provided to
25 the FBI?

1 A Emails regarding the Millian?

2 Q Yes.

3 A The only thing I can think of is the Russian email
4 that we talked about yesterday that was uploaded to
5 Sentinel.

6 Q Okay. So he provided that email -- it's
7 actually -- do you recall whether it's a
8 back-and-forth. I mean it's one email, but is it back
9 and forth?

10 A No, it's actually back and forth.

11 Q Is that in English or Russian?

12 A My recollection is that it was uploaded as
13 Russian.

14 Q Okay. Aside from that document as it relates to
15 Millian and any exchanges he had, he, Mr. Danchenko,
16 had with Millian provided no other document?

17 A Not to my recollection, no.

18 Q At any point in time up until today, did you have
19 occasion to learn that, in fact, there were emails that
20 Mr. Danchenko had sent to Mr. Millian?

21 A Until we -- until preparation for trial, no.

22 Q All right. So in context you were shown them
23 fairly recently, correct?

24 A Correct.

25 Q Mr. Millian had never provided those to you? I'm

1 sorry. Mr. Danchenko had never provided those to you?

2 A Correct.

3 Q I want to show you and ask you to take a look at
4 what is premarked -- what are premarked as Government's
5 Exhibits 204, 204T, 205, 205T. What I don't think is
6 in your book is --

7 (Counsel confer.)

8 MR. DURHAM: We are going to ask about 206.

9 With the Court's permission, I'd ask that Mr. Auten be
10 provided with a copy of -- oh, it's in the book. I'm
11 sorry. It is.

12 BY MR. DURHAM:

13 Q 206.

14 A I see 205, 205T, 207 -- oh, 206T in the back, yes.

15 Q Okay. And while you're there, just so you can see
16 that it's in there, would you look also at Government's
17 Exhibit 115, sir?

18 A That is here as well.

19 Q Okay. And 115T?

20 A Yes, correct.

21 MR. DURHAM: Your Honor, at this time, before
22 we continue with the examination of Mr. Auten, I would
23 ask that two stipulations between the parties be
24 admitted.

25 THE COURT: All right.

1 MR. DURHAM: Those being Government's
2 Exhibit 1801 and 1802.

3 MR. ONORATO: No objection, Your Honor.

4 THE COURT: All right. 1801 and 1802 are
5 stipulations that will be provided to the jury.

6 MR. DURHAM: With the Court's permission,
7 could I publish these to the jury?

8 THE COURT: Yes. Again, ladies and
9 gentlemen, you're going to hear a statement that's been
10 agreed to by the parties. You may accept it as
11 sufficiently proven anything that's stated in that
12 stipulation. However, it's up to you as to what weight
13 or whether you accept it.

14 MR. DURHAM: Thank you, Your Honor.

15 Ladies and gentlemen, Government's
16 Exhibit 1801, as the Court has indicated, is a
17 stipulation, and it reads as follows. I put it in the
18 written record, and you also have it on your monitors
19 so you can follow it.

20 It is hereby stipulated and agreed, by and
21 between the undersigned parties, that if called to
22 testify, a records custodian for Google LLC would
23 testify as follows:

24 Paragraph 1: Government's Exhibits 203, 204,
25 205, and 207 -- and I think counsel would stipulate 206

1 as well --

2 MR. ONORATO: Correct.

3 MR. DURHAM: -- are true and accurate copies
4 of the contents of emails from account
5 milliangroup@gmail.com.

6 Paragraph No. 2: Government's Exhibits 203,
7 204, 205, 206 as agreed to, I believe, Your Honor, and
8 207 are true and accurate copies of authentic business
9 records of Google LLC that were made at or near the
10 time of the acts and events recorded in them by a
11 person with knowledge and were prepared and kept in the
12 course of Google LLC's regularly conducted business
13 activity. And it was the regular practice of Google
14 LLC to make such business records and the source of the
15 information where the methods and the circumstances of
16 preparation are trustworthy. The parties stipulate to
17 the authenticity of Government's Exhibits 203, 204,
18 205, and now 206 and 207.

19 Paragraph No. 4 of the stipulation is
20 admissible as evidence at trial, dated Alexandria,
21 Virginia, October 11, 2022, signed by counsel for the
22 government and for the defense.

23 Government Exhibit 1802 is a second
24 stipulation, and it reads as follows: It is hereby
25 stipulated and agreed, by and between the undersigned

1 parties, that if called to testify, an interpreter with
2 expertise in translating Russian to English would
3 testify as follows:

4 Paragraph No. 1: The government's exhibits
5 listed in Column A of Attachment 1 to this stipulation
6 contain true and accurate Russian to English
7 translations of the Russian written communication
8 identified in the corresponding row of Column B of
9 Attachment 1. The parties stipulate to the
10 authenticity of the exhibits listed in Column A of
11 Attachment 1.

12 Paragraph No. 3: This stipulation to
13 Attachment 1 is admissible as evidence at trial.

14 It's signed by government counsel and by
15 defense counsel.

16 And then the second page reads Attachment 1
17 to stipulation, and then the Columns A and B for the
18 respective exhibit numbers under them, including those
19 we just mentioned, Government's Exhibits 115, 115T,
20 204T, 204, 205T, 205, and 206 and 206T, 207T and 207.
21 The remaining items in the column we will offer
22 shortly, but the stipulation, again, stipulates to the
23 authenticity of these records for Government's
24 Exhibit 605T and Government's Exhibit 610T,
25 Government's Exhibit 610, Government's Exhibit 612T,

1 Government's Exhibit 612.

2 BY MR. DURHAM:

3 Q So, Mr. Auten, with respect to what the jury just
4 heard, you understand that essentially these are
5 business records that are being offered and kept by
6 Google?

7 A Yes.

8 Q And then the translations are from the original
9 Russian into English? You understand that?

10 A I understand.

11 Q So I want to ask you, if you would, sir, first,
12 with respect to Government's Exhibits 204 and 204T to
13 ask you to take a look at those.

14 A Yes.

15 Q Do you recognize what is currently marked as
16 Government's Exhibits 204 and 204T for identification?

17 A Yes, I recognize these.

18 Q And with respect to what's contained in
19 Government's Exhibit 204 and 204T prior to your being
20 shown these exhibits fairly recently, had you ever seen
21 these before?

22 A No.

23 Q So with respect to 204, just generically, what is
24 Government's Exhibit 204?

25 A 204 is an email from Mr. Danchenko to

1 milliangroup@gmail.com. It's dated July 21, 2016, and
2 it is in Russian.

3 Q And then the corresponding Government's Exhibit
4 204T, what is that?

5 A It is a translation of the same email from
6 Mr. Danchenko to milliangroup@gmail.com on July 21,
7 2016.

8 Q Now, you told the jurors that Mr. Danchenko had
9 told you and Somma that he had sent an initial email to
10 Mr. Millian, correct?

11 A Correct.

12 Q But you never received that from Mr. Danchenko?

13 A Correct.

14 MR. DURHAM: We would offer 204 and 204T.

15 THE COURT: Any objection?

16 MR. ONORATO: No.

17 THE COURT: Without objection, 204 and 204T
18 are admitted.

19 MR. DURHAM: I would ask Mr. Arsenault to
20 pull up 204. Blow it up so the jurors can see it's in
21 Russian.

22 And then with respect to Government's
23 Exhibit 204T, would you pull that up and blow it up as
24 much as you can so that the jurors can read it.

25

1 BY MR. DURHAM:

2 Q And is your monitor working, or do you have the
3 document in front of you?

4 A My monitor is working.

5 Q First, let me ask you again. Now that the exhibit
6 is a full exhibit, what is Government's Exhibit 204T?

7 A It is an email between Mr. Danchenko and
8 milliangroup@gmail.com, dated July 21, 2016.

9 Q And then, again, the jurors can see this, but for
10 purposes of the written record, would you read this
11 into the record, sir.

12 A Yes. "Hello, Sergey! Colleagues from RIA Novosti
13 gave me your contact information. You spoke with
14 Dmitriy Zlodorev about Donald Trump and his trips to
15 Russia. I wanted to ask you: What projects was he
16 looking into or these were just image-building trips
17 for beauty contests?

18 "There's been a lot of speculation for months now
19 on this topic. It would be interesting to chat about
20 this topic. The question is from a construction
21 company from Switzerland.

22 "I think a political component exists, but it can
23 be counterbalanced. Russian-Chinese cooperation is
24 also of great interest, the sanctions aspect included.
25 There are projects in Russia which are looking for

1 investors and equipment supplier. Like many others in
2 Russia, they are looking at Asia, China and Hong Kong,
3 but they don't know how to approach.

4 "It's confidential of course -- I don't have any
5 relationship to the media, though of course I do have
6 acquaintances there.

7 "In any case, it would be interesting if and when
8 possible to chat with you by phone or meet for
9 coffee/beer in Washington or in New York where I will
10 be next week. I myself am in Washington. It is also
11 possible by email in Russian or in English.

12 "I sent you a request to LinkedIn -- there my work
13 is clearer.

14 "Sincerely, Igor."

15 Q And then there's a signature block, correct?

16 A Correct.

17 Q Yesterday shortly before we broke I had asked you
18 some questions relating to what Mr. Danchenko had told
19 you concerning this call that he purportedly had
20 received and then plans were made to meet in New York.
21 Do you remember that?

22 A I do.

23 Q I think you had indicated -- what did you tell the
24 jury your impression was based on what Mr. Danchenko
25 told you regarding that meeting?

1 A If I recall correctly, it was going to be -- after
2 the email and that there was plans to go up to New York
3 to meet with Mr. Millian.

4 Q And do you recall, sir, then looking at
5 Government's Exhibit 204T? It reads, does it not, "In
6 any case, it would be interesting if and when possible
7 to chat with you by phone or meet for coffee/beer in
8 Washington or in New York where I will be next week,"
9 correct?

10 A Correct.

11 Q To the best of your recollection, when
12 Mr. Danchenko is telling you about this purported
13 anonymous call, did he tell you that he had plans to be
14 in New York the next week, or was he telling you that
15 as a result of the call, he was going to go to New York
16 and meet with this caller?

17 A It's my recollection that he did not say he
18 already had preexisting plans to go to New York.

19 Q Okay. Now, I want to focus your attention, if I
20 might, to the bottom portion, the signature block of
21 Government's Exhibit 204T.

22 MR. DURHAM: I would ask Ms. Arsenault if
23 maybe we could blow that up a little bit larger for the
24 jurors.

25

1 BY MR. DURHAM:

2 Q And that's on your screen, correct?

3 A Correct.

4 Q Will you read into the record that signature
5 block.

6 A "Igor Danchenko, Business Analyst, Target Labs,
7 Incorporated, 8320 Old Courthouse Road, Suite 200,
8 Vienna, Virginia, 22182. Office +1-703-891-5000. Cell
9 +1-202-679-5323: Igor@targetlabs.net."

10 Q Is there anything anywhere in this document,
11 Government's Exhibit 204T, Mr. Danchenko's initial
12 outreach to Millian, that says anything about the use
13 of apps?

14 A In the signature block, no. And the only app I
15 believe that's mentioned is LinkedIn, which is the last
16 line of 204T in the letter.

17 Q And LinkedIn isn't communication -- verbal
18 communication, correct?

19 A Not to my knowledge, no.

20 Q Right. So nothing in here about contact me using
21 an app or anything of that sort?

22 A According to the block, no.

23 Q Okay. I want to ask you, if you would, sir, to
24 take a look at what we have premarked as Government's
25 Exhibits 205 and then 205T.

1 A Yes.

2 Q And what is Government's Exhibit 205 -- what are
3 Government's Exhibits 205 and 205T?

4 A 205 is from -- well, it is a two-part thing. It's
5 a forwarded message and with a response with the
6 forwarding message. And so it is from Sergio Millian
7 to Dmitri Zlodorev. The date is Tuesday, July 26,
8 2016, at 9:33 a.m. And Exhibit 205, it is in Russian.

9 Q And 205T?

10 A 205T is, again, a forwarded message, the July 21st
11 forwarded with a response. It's from Sergei Millian at
12 milliangroup@gmail.com -- excuse me, Sergio Millian at
13 milliangroup@gmail.com to Dmitri Zlodorev on July 26,
14 2016.

15 Q All right. So Government's Exhibit 204T is the
16 email -- is an email from the defendant to Millian
17 dated July 21st, correct?

18 A Correct.

19 Q 2016?

20 A Correct.

21 Q Government's Exhibit 205 and then 205T is then an
22 exchange between Millian and Zloderev, correct?

23 A Correct.

24 Q And with respect to 205T, it has the date on it,
25 correct?

1 A Correct.

2 Q Signatures and whatnot or salutations and the
3 like; is that right?

4 A That is correct.

5 MR. DURHAM: We would offer 205 and 205T as
6 exhibits, Your Honor.

7 MR. ONORATO: No objection.

8 THE COURT: All right. Without objection,
9 205 and 205T are admitted.

10 MR. DURHAM: So let's -- if we might,
11 Ms. Arsenault, go to first Government's Exhibit 205.
12 Just blow that up, if you would, so that the jurors can
13 see that.

14 BY MR. DURHAM:

15 Q And, Mr. Auten, would it be a fair statement that
16 Government's Exhibit 205, again, is in Russian?

17 A Correct.

18 Q But it's from Millian to Zlodorev, correct?

19 A Correct.

20 Q And the date, again, for the written record is
21 what?

22 A July 26, 2016.

23 Q Okay. And then looking at Government's
24 Exhibit 205T, what is 205T?

25 A 205T is the English translation of that

1 interaction.

2 Q Okay. Will you read into the written record, as
3 the jurors follow, that what 205 -- well, let me
4 withdraw that.

5 When you look at the document itself, 205T, the
6 bottom part of the page, there's the email that
7 Mr. Danchenko sent to Millian on the 21st, correct?

8 A Correct.

9 Q And then at the top of Government's Exhibit 205T
10 is Millian now to Zloderev?

11 A Correct.

12 Q Five days later?

13 A Correct.

14 Q And would you read that into the record.

15 A From: Sergio Millian at milliangroup@gmail.com.

16 Sent: Tuesday, July 26, 2016, 9:33 a.m.

17 To: Dmitri Zlodorev.

18 Subject: Forward: Question about Trump, China.

19 Dmitriy, on Friday I'm returning from Asia. An
20 email came from Igor. Who is that? What sort of
21 person?

22 Sergey.

23 Q Now, with regard to that email from Millian to
24 Zloderev, you didn't have occasion to see that prior to
25 being shown this document recently?

1 A No.

2 Q With regard to Millian saying that on Friday he's
3 returning from Asia and the like, do you know whether
4 you or other members of your group had ever retrieved
5 Millian's travel records to see if he was even in the
6 United States on -- in the latter part of July 2016?

7 A I don't recall that.

8 Q Would it surprise you to learn that he wasn't even
9 in the United States?

10 A I mean, he says he's in Asia.

11 Q Okay. Now, I want to turn your attention, if I
12 might, sir, to Government's Exhibit 207 and then
13 Government's Exhibit 207T.

14 THE COURT: Are you moving into evidence 206?

15 MR. DURHAM: Oh, I'm sorry. Yes, Your Honor.

16 MR. ONORATO: No objection, Your Honor.

17 THE COURT: All right. 206 is admitted, and
18 206T is admitted as well.

19 BY MR. DURHAM:

20 Q Do you have 207 and 207T in front of you, sir?

21 A I do.

22 MR. DURHAM: I got my emails out of order,
23 Your Honor. So we move in 205.

24 BY MR. DURHAM:

25 Q 206 -- let me ask you to take a look at 206 and

1 206T.

2 A Yes.

3 Q I apologize for the confusion.

4 Do you recognize 206 and 206T?

5 A I do.

6 Q And with respect to 206, what is 206?

7 A 206 is an email between Dmitri Zloderev and Sergio
8 Millian on July 26, 2016, at 10:06 a.m.

9 Q And 206 is in what language?

10 A It is in Russian.

11 Q And if you look at Government's Exhibit 206T, what
12 is 206T?

13 A It is a translation of 206, again, an email from
14 Dmitri Zloderev dated Tuesday, July 26, 2016, to Sergio
15 Millian, and the subject is Re: Forward: Question
16 about Trump, China.

17 MR. DURHAM: Okay. We move 206 and 206T as
18 full exhibits, Your Honor.

19 THE COURT: All right.

20 MR. ONORATO: No objection.

21 THE COURT: All right. Admitted.

22 MR. DURHAM: Now, if I might, just before we
23 go to 206, Ms. Arsenault, if you could, go to 205 and
24 blow up the header, the from, to, the date, and the
25 time.

1 BY MR. DURHAM:

2 Q All right. Would you read that into the written
3 record what the jury is reading now. This is, again,
4 the sort of header on Government's Exhibit 205. What
5 is the time and the date?

6 A Sorry. It disappeared.

7 The date and time is Tuesday, July 26, 2016,
8 9:33 a.m.

9 Q Okay. And then going now to 206, that was from
10 Millian to Zlodorev, correct?

11 A That is correct.

12 Q Now, you go to 206. This is Zlodorev to Millian;
13 is that correct?

14 A That is correct.

15 Q What's the -- what are the time and date of this
16 exhibit, 206?

17 A It is, again, July 26, 2016, 10:06 a.m.

18 Q So like half an hour later Mr. Zlodorev responds
19 to Millian, correct?

20 A Correct.

21 Q And the jurors can read 206T, but would you read
22 it into the record, sir.

23 A From: Dmitri Zlodorev.

24 Sent: Tuesday, July 26, 2016, 10:06 a.m.

25 To: Sergio Millian.

1 Subject: Re: Forward: Question about Trump,
2 China.

3 Sergio, hello,

4 Do you remember I said that a friend of my
5 colleague wanted to get acquainted with you? You gave
6 permission to give your email. The way I understand
7 it, this is who this is. He and I are not personally
8 acquainted; though, he is, it seems, in my LinkedIn.
9 And I didn't know what he wanted to talk about. If I
10 remember correctly, he works at some think tank in
11 Washington.

12 Q Okay. That's July 26 of 2016, correct?

13 A Correct.

14 Q Had you seen that email prior to recent days?

15 A No.

16 Q Now, I'll ask you to take a look at Government's
17 Exhibit 207 and 207T. What is 207, sir?

18 A 207 is an email from Mr. Danchenko on Thursday,
19 August 18, 2016, to milliangroup@gmail, as well as
20 sergio@russianamericanchamber.com.

21 Q And with respect to Government's Exhibit 207, is
22 that in Russian or English?

23 A It is in Russian.

24 Q And 207T, is that in Russian or English?

25 A 207T is in English.

1 Q Now, you have told the jurors that Mr. Danchenko
2 had told you he sent one email, correct?

3 A Correct.

4 Q And then the first day is only after the second
5 email that he received this purported call, correct?

6 A Correct.

7 Q The second day he said it was after the first
8 email?

9 A Correct.

10 Q In both instances, he said the call that he claims
11 to have perceived came in late July, correct?

12 A Correct.

13 Q The date of Government's Exhibit 207, 207T is
14 August 18, 2016, correct?

15 A Correct.

16 MR. DURHAM: We move 207 and 207T as full
17 exhibits, Your Honor.

18 THE COURT: Any objection?

19 MR. ONORATO: No objection.

20 THE COURT: Without objection, 207 and 207T
21 are admitted.

22 BY MR. DURHAM:

23 Q So let's start again with 207, and Ms. Arsenault
24 can pull up just the headers so we can see the time and
25 date and the like.

1 Would you read that into the record, sir, just the
2 header.

3 A From: Igor Danchenko.

4 Sent: Thursday, August 18, 2016, 12:33 p.m.

5 To: Milliangroup@gmail.com and

6 sergio@russianamericanchamber.com.

7 Subject: I can try it, but I'm not -- it's in
8 Russian.

9 Q The subject is in Russian, correct?

10 A Correct.

11 Q All right. And the balance of the letter or --

12 I'm sorry, the email, 207, is in Russian?

13 A Correct.

14 Q I would ask you to take a look down at

15 Government's Exhibit 207T. Again, the header is the

16 same, the date being what?

17 A August 18, 2016.

18 Q Now, with respect to the second email that

19 Mr. Danchenko said that he had sent to Millian, do you

20 recall whether or not the night of the first or the

21 second day he made reference to using some kind of a

22 ruse talking in the email about investments in Russia

23 or the like?

24 A Yes, I recall that.

25 Q If you need to refresh your recollection, please

1 do so. But with respect to when he claims that that
2 second email had been sent, when was that?

3 A I believe he said it was in September.

4 Q But the subject matter was real estate or
5 investment and the like, correct?

6 A Yes, correct.

7 Q All right. So I want, then, to ask you to read
8 along -- into the record -- the jurors obviously can
9 follow -- the email that Mr. Danchenko sent to the
10 Millian group email address on August 18, 2016. Now, I
11 take it there's no disagreement that August 18, 2016,
12 is not late July of 2016, correct?

13 A No disagreement.

14 Q Okay. So this email dated August 18, 2016, would
15 you read that into the record.

16 A From: Igor Danchenko.

17 Sent: Thursday, August 18, 2016, 12:33 p.m. to

18 milliangroup@gmail.com and

19 sergio@russianamericanchamber.com.

20 Subject: Question regarding land in the
21 Kaluzhskaya Oblast, short meeting in NY or DC.

22 Attachments: Trubetskoye1.jpeg;

23 Trubetskoye2.jpeg; Trubetskoye3.jpeg;

24 Trubetskoye4.jpeg; Trubetskoye5.jpeg;

25 Trubetskoye6.jpeg; Trubetskoye7.jpeg;

1 Trubetskoye8.jpeg.

2 Hello, Sergey.

3 I wrote you several weeks ago. We are contacts on
4 LinkedIn.

5 There is a proposal regarding a plot of land in
6 the Kaluzhskaya Oblast, not far from Novaya Moskva.
7 I'm attaching information in a separate letter. My
8 lawyer friends are selling. They have asked me more
9 than once to extend an offer to someone. I thought
10 that it might be of interest to you or your contacts.

11 The registered land value is around 300 million
12 rubles and, therefore, the market value is a little
13 higher. The intermediary's share can be factored into
14 the sale from the start. I'm attaching eight JPEGs.

15 If there is opportunity and interest, let's meet
16 and chat about this and other projects. The other
17 projects also envision investments at existing sites,
18 but it's production there. And in some cases,
19 technology is needed and in others -- investment.
20 Rates in Russia are high. You yourself know, so I'd
21 like to mull over some uncomplicated and profitable
22 scenarios. Write, call. My contact information is
23 below. Sincerely, Igor.

24 Q Read that into the record.

25 A Igor Danchenko, Business Analyst, Target Labs

1 Incorporated, 8320 Old Courthouse Road, Suite 200,
2 Vienna, Virginia, 22182, +1-202-679-5323,
3 igor@targetlabs.net, igordanchenko@hotmail.com.

4 Q Now, looking at this letter, the body of the
5 letter -- I'm sorry -- the body of the email itself, is
6 that consistent or inconsistent with what Mr. Danchenko
7 had said about another or a second outreach to Millian
8 talking about possible investments?

9 A This appears to be consistent with that.

10 Q In the last paragraph of this email dated
11 August 18, 2016, it states, "Write, call. My contact
12 information is below." Did I read that correctly?

13 A That is correct.

14 Q With respect to the body of the letter -- and I'll
15 get to the signature block in a moment. But as to the
16 body of the letter, does Mr. Danchenko say anything
17 about any apps that he uses or the like?

18 A No.

19 Q And in looking at the signature block,
20 Mr. Danchenko was providing a telephone number, two
21 email addresses, correct?

22 A Correct.

23 Q An address?

24 A Correct.

25 Q Any reference to any kind of app?

1 A No.

2 Q And going to the top of the letter, now, this is
3 dated August 18, 2016, correct?

4 A Correct.

5 Q And he opens the letter -- the email by saying,
6 "Hello, Sergey. I wrote you several weeks ago. We are
7 contacts on LinkedIn," correct? That's the way it's
8 written?

9 A Correct.

10 Q Is there anything in the body of this letter
11 about, you know, "I haven't heard from you when we were
12 supposed to meet in New York," or anything at all like
13 that?

14 A No.

15 Q Is there anything in this letter about "I'm
16 confused by your telephone call"? Nothing like that?

17 A No.

18 Q This is just straight, "I wrote you several weeks
19 ago," period?

20 A Correct.

21 Q No reference to him having been contacted by
22 Mr. Millian, correct?

23 A Correct.

24 Q And this is August 18, 2016?

25 A Correct.

1 Q Next, I want to ask you to take a look at
2 Government's Exhibit 115. Do you have 115 in front of
3 you?

4 A I do.

5 Q And 115T, do you have that in front of you?

6 A Yes.

7 Q With regard to Government's Exhibit 115, what is
8 it, sir?

9 A 115 is a copy of messages sent -- it looks like
10 from Dmitri Zlodorev to Igor Danchenko, as well as --
11 yeah, it looks like maybe back and forth.

12 Q As to Government's Exhibit 115, is that document
13 written in English or some other language?

14 A It is in Russian.

15 Q Looking at Government's Exhibit 115T --

16 A Yes.

17 Q -- do you recognize what it is?

18 A Yes.

19 Q And what is 115T?

20 A It is an English translation of 115.

21 Q With respect to 115T, does it bear a date?

22 A It does. There were two dates on this.

23 Q What are the dates?

24 A The dates are 8/24/2016 -- it says 8/24/16,
25 8/25/16.

1 Q With regard to the people whose names appear on
2 Government's Exhibit 115 and 115T, who are those
3 people?

4 A Dmitri Zlodorev and Igor Danchenko.

5 Q With respect to 115 and 115T, do you recall, sir,
6 your prior testimony that at some point in time at or
7 about the time of the January 2017 interviews of
8 Mr. Danchenko by yourself and Mr. Somma, he had
9 provided a document that got uploaded into the system?

10 A Yes.

11 Q And do you recall whether or not Government's
12 Exhibit 115 appears to be a copy of what Mr. Danchenko
13 had provided to the bureau?

14 A That is correct.

15 Q Now, with respect to Government's Exhibit 115T,
16 that's a translation of 115; is that correct?

17 A That is correct.

18 Q Tell the ladies and gentlemen of the jury whether
19 or not, to your knowledge, the bureau ever even
20 translated --

21 MR. ONORATO: Objection to relevance.

22 THE COURT: I'm sorry. What's the question?

23 MR. DURHAM: I didn't complete it, but the
24 question is whether or not to this witness' personal
25 knowledge the government translated -- the FBI

1 translated Government's Exhibit 115 at or about the
2 time it was received.

3 THE COURT: All right. I'll let him answer
4 that.

5 A I'm not aware if it was translated.

6 Q Looking at Government's Exhibit 115T, however, you
7 know that at some point it was translated, correct?

8 A Correct.

9 Q Do you know if that translation was done by the
10 bureau or others?

11 A I don't know who did this translation.

12 THE COURT: Has this been moved into evidence
13 yet?

14 MR. DURHAM: I'm going to move it now.

15 THE COURT: Is there any objection to 115?

16 MR. ONORATO: No, Your Honor.

17 THE COURT: All right. 115 and 115T are
18 admitted.

19 MR. DURHAM: Thank you, Your Honor.

20 Now, Ms. Arsenault, if you would, just pull
21 up 115 by itself just briefly.

22 BY MR. DURHAM:

23 Q Mr. Auten, looking at Government's Exhibit 115,
24 tell the jurors again what 115 is.

25 A In Russian, messages back and forth with Dmitri

1 Zlodorev and Igor Danchenko.

2 Q And this document was received sometime around the
3 time of the January 2017 interviews of Mr. Danchenko?

4 A Sometime around there, yes.

5 Q And Mr. Danchenko provided this document?

6 A As far as I understand, yes.

7 MR. DURHAM: And then, Ms. Arsenault, if you
8 would be so good as to pull up Government's
9 Exhibit 115T. And if you could, start with the upper
10 two-thirds, upper portion, maybe a little bit more down
11 to the signature block.

12 BY MR. DURHAM:

13 Q As the jurors are reviewing Government's Exhibit
14 115T at the top, will you read into the written record
15 the translation of the document marked Government's
16 Exhibit 115.

17 A Do you want me to start from top to bottom, or do
18 you want me to start from the earlier email to the
19 later email?

20 MR. DURHAM: Can I have just one moment, Your
21 Honor?

22 (Counsel confer.)

23 MR. DURHAM: I think we're fine, Your Honor.

24 BY MR. DURHAM:

25 Q If you would, read into the record the top part of

1 Government's Exhibit 115T.

2 A The top says, Question concerning Sergey Millian,
3 meeting. Dmitri Zlodorev to Igor Danchenko, 8/24/16,
4 details.

5 Igor, hello.

6 Sergey Millian asked me a couple of weeks ago who
7 Igor Danchenko is. I had told him earlier, but he
8 apparently forgot. At that time, he wrote to me from
9 South Korea. The thing is that he, based on his own
10 words, now spends more time in Asia than in America.
11 Try to write to him once again. I simply know that he
12 is constantly traveling and could actually have
13 forgotten. And well, you and I could certainly meet.
14 Let's try in Washington.

15 Q Now, that's a response by Zlodorev to
16 Mr. Danchenko who had written a little bit earlier,
17 correct, on the 24th?

18 A Correct.

19 MR. DURHAM: And then if Ms. Arsenault would
20 go to the middle portion of Government's Exhibit 115T.

21 BY MR. DURHAM:

22 Q And if we could, read that into the record.

23 A 8/24/2016, 12:40, Igor Danchenko,

24 igordanchenko@hotmail.com.

25 Good afternoon, Dmitriy.

1 Aleksey Bogdanovskiy recommended that I get in
2 touch with Sergey Millian. I've read your interviews
3 with him. But for some reason Sergey doesn't respond.
4 I already both asked him about Trump and also proposed
5 a project in Russia. What is your relationship with
6 him like? Would you be able to ask him to reply to me?
7 I could call or write on LinkedIn, but until he
8 responds, I would not like to pester him. By the way,
9 you and I are also contacts there.

10 It would also be very interesting for me to meet
11 with you. There's always something to talk about. I'm
12 in the center of Washington and sometimes in Manhattan.
13 Well, and in Moscow and London on short trips.

14 Thanks!

15 My contact information is below. You can use
16 email or cell phone.

17 Vienna, Virginia 22182, +1-202-679-5323,
18 igordanchenko@hotmail.com.

19 Q So now, looking at 115T, Mr. Danchenko had reached
20 out to Dmitri Zlodorev, right?

21 A Correct.

22 Q On August 24, 2016, at 12:40?

23 A Correct.

24 Q And he says to Zlodorev, "I've read your
25 interviews with him but for some" -- withdrawing.

1 It starts out that he, a particular person, had
2 recommended that I get in touch with Sergey Millian.
3 I've read your interviews with him, but for some
4 reason, Sergey doesn't respond.

5 Did I read that correctly?

6 A Correct.

7 Q Does it say anything there about he only called me
8 anonymously?

9 A No.

10 Q Does it say anything in there about, "Oh, I was
11 supposed to meet him in New York, but he didn't show
12 up"?

13 A No.

14 Q And with respect to the signature block or at the
15 bottom of that email sent at 12:40, what is the
16 information that Mr. Danchenko was providing in this
17 instance to Mr. Zlodorev?

18 A He is providing a telephone number, as well as an
19 email address at hotmail.

20 Q No applications or anything of that sort
21 mentioned?

22 A No.

23 Q Do you, sir, know, based on your own personal
24 knowledge, whether or not when Mr. Danchenko wanted to
25 talk to somebody on an app he would let them know that

1 he wants to talk to them on an app?

2 A I have no knowledge of that.

3 Q No knowledge?

4 A No.

5 Q Okay. And then at the top of Government's

6 Exhibit 115T, Zlodorev responds to that email saying

7 that Millian had asked Igor Danchenko: I told him

8 earlier, but he apparently forgot and then goes on. He

9 travels a lot. He's in South Korea and the like.

10 Correct?

11 A Correct.

12 Q And he urges -- tells Mr. Danchenko that he should

13 reach out to him again, but Millian is constantly

14 traveling?

15 A Correct.

16 Q And then let's go to the very bottom of

17 Government's Exhibit 115T and read into the record what

18 the jurors can see on the monitors. This is dated

19 what?

20 A This is dated 8/25/16.

21 Q Okay. So the next day? This is the next day?

22 A Correct.

23 Q And it's from who to who?

24 A It is Dmitri Zlodorev to Igor Danchenko.

25 Q And how does it read?

1 A Igor, hello. Tomorrow I'm working from home and
2 beginning Monday on vacation. Therefore, let's do it a
3 little later. Parentheses, parentheses, parentheses,
4 period, Dimitri.

5 Q Okay. So then with regard to these emails that
6 you have now reviewed with the jurors, I want to ask
7 you whether or not it would have been significant or
8 important to you based on what you had indicated you
9 were looking for -- I withdraw that. It's getting too
10 convoluted.

11 Yesterday you told the jury that in meeting with
12 Mr. Danchenko, there were two things that you were
13 interested in, correct?

14 A Correct.

15 Q One of them was corroboration of information in
16 the dossier?

17 A Correct.

18 Q And the second was sources of information?

19 A Correct.

20 Q With respect to the emails that the jurors have
21 just seen from Mr. Millian -- not to Zlodorev but to
22 Mr. Millian -- I'm sorry -- Mr. Danchenko to
23 Mr. Millian, the two, July 21st and August 18th, you
24 didn't get those from Mr. Danchenko; did you?

25 A No.

1 Q Would those have been significant to you?

2 A Yes.

3 Q Why would they have been significant to you?

4 A It would help us to better understand exactly how
5 the course of information went that was in the reports
6 themselves.

7 Q Would it have been of any import to you to know in
8 evaluating whether an anonymous call had come in to see
9 the content of the emails from July 21st and then
10 August 18th concerning Mr. Millian not having
11 responded?

12 A Yes. I mean, all of those emails would be very
13 helpful to understanding the full extent of
14 communications between the parties.

15 Q And even with respect to the one that's dated
16 later, August 24, that was received from Mr. Danchenko,
17 in that one, it indicates that Millian had not
18 responded, correct?

19 A Correct.

20 Q Would it have been of any import to you to
21 translate and understand that in evaluating whether or
22 not what Mr. Danchenko was saying about a telephone
23 call was to be believed?

24 A I'm not sure whether it was or was not translated,
25 but a translation would help.

1 Q Well, it would be important; wouldn't it?

2 A Yes, it would be important.

3 Q Because if the written record in the defendant's
4 own words was that he never responded, wouldn't that be
5 of assistance in evaluating his reliability concerning
6 whether or not he had gotten this call he supposedly
7 had gotten?

8 A It would be helpful, yes.

9 Q Would it border on dispositive?

10 MR. ONORATO: Your Honor, objection.

11 THE COURT: Sustained.

12 MR. ONORATO: Oh, no. He can ask it.

13 THE COURT: Go ahead.

14 MR. ONORATO: No objection.

15 (Reporter clarification.)

16 MR. ONORATO: It's withdrawn.

17 THE COURT: All right.

18 MR. ONORATO: It's withdrawn. Ask it.

19 THE COURT: Go ahead.

20 BY MR. DURHAM:

21 Q Would that have been important to you?

22 A Yes, it would have been important.

23 Q And the other investigators?

24 A Yes.

25 Q Would it have the capacity or the ability to have

1 influenced steps taken or not taken by the FBI?

2 A Possibly, yes.

3 Q Possibly?

4 A Well, again, I'm an analyst, not an investigator.

5 So in that sense, it would be very helpful from an

6 analytical side to understand the full extent of

7 communications between the parties.

8 Q Sure. As an analyst, if you knew that the

9 defendant had said in writing that he had never heard

10 from Millian, that would be important to you, wouldn't

11 it, in analyzing the rest of what Mr. Danchenko was

12 telling you and other people in the FBI?

13 A Yes, it would.

14 Q I want to move to a different area just to orient

15 you and the jury.

16 You had testified yesterday about a person by the

17 name of Charles Dolan, correct?

18 A Correct.

19 Q And as to Mr. Dolan, tell the jurors again when,

20 as best you recall, you first heard Charles Dolan's

21 name in connection with these matters?

22 A My recollection is that during the meeting with

23 Mr. Steele in an overseas city --

24 MR. ONORATO: Your Honor, I'm going to

25 object.

1 THE COURT: Hold on.

2 MR. ONORATO: It is all hearsay.

3 THE COURT: Why don't you rephrase the
4 question.

5 BY MR. DURHAM:

6 Q Let me see. So don't tell us anything that Steele
7 said. That would be hearsay, okay?

8 A Okay.

9 Q You told the jury yesterday that you had gone to
10 meet with Mr. Steele in the early part of October 2016,
11 correct?

12 A Correct.

13 Q And when you met with Mr. Steele -- and this just
14 calls for a yes or no -- Mr. Steele provided some
15 information?

16 MR. ONORATO: Same objection, Your Honor.

17 THE COURT: I'll let him answer that
18 question.

19 Go ahead.

20 A Yes.

21 Q You told the jury yesterday without objection that
22 among other things that you learned when you were there
23 was that there was some -- not names of sources. But
24 there were information-related to sources, correct?

25 MR. ONORATO: Objection.

1 THE COURT: I'll allow this. These are
2 simply facts that he received. These are verbal facts
3 that he received.

4 Go ahead.

5 A Sir, could you repeat the question?

6 Q Sure. Yesterday did you tell the jury that when
7 you were meeting with Steele, that you had gotten
8 information relating not to the names of sources of
9 dossier but some characterizations of some of those
10 sources?

11 A Yes, some source characterizations.

12 Q And did you tell the jury yesterday that separate
13 and apart from sources, you had gotten three names from
14 Mr. Steele as to persons who might be knowledgeable?

15 A Yes.

16 Q Was Charles Dolan one of those names?

17 A Yes.

18 Q So I want to turn your attention, then, to
19 Mr. Dolan.

20 Do you recall, sir, whether or not during the
21 interviews that you were conducting with Mr. Danchenko
22 in January of 2017, whether or not you were -- you and
23 Mr. Somma were specific with the defendant as to your
24 interest in knowing the sourcing of the information in
25 the dossier?

1 A Yes.

2 Q You testified yesterday that with respect to what
3 Mr. Danchenko himself told you and Somma, that he was
4 responsible for -- and I think you said -- I don't want
5 to put words in your mouth -- about the majority or a
6 significant amount of the information, the raw
7 intelligence and the like, correct?

8 A I think I said I couldn't put an actual percentage
9 to it, but it was a sizable amount.

10 Q And then you remembered that we offered and we
11 submitted into evidence an exhibit of Mr. Danchenko's
12 LinkedIn message where he said he was responsible for
13 80 percent of the raw intelligence and 50 percent of
14 the analysis in the dossier, correct?

15 A Correct.

16 Q So with respect to Mr. Dolan, did you know, as
17 best you recall, in January of 2017, what, if any, role
18 Mr. Dolan may have had in connection with sourcing
19 information in the dossier?

20 A My recollection is we didn't have an understanding
21 of that in January 2017.

22 Q Do you recall between October of 2016, when you
23 had met -- you and others had met with Mr. Steele and
24 then January 24th, when you first met with
25 Mr. Danchenko, had Charles Dolan been a person that you

1 and your colleagues were looking into to see who this
2 individual might be?

3 A Yes.

4 Q And so had some information been developed on
5 Mr. Dolan --

6 A Yes.

7 Q -- by January 2017?

8 A By January 2017, yes.

9 Q With respect to the meetings that you had with
10 Mr. Danchenko in January of 2017, tell the ladies and
11 gentlemen of the jury whether or not at any point in
12 time when you were inquiring about sources of
13 information for the dossier, if Mr. Danchenko ever
14 raised the name Charles Dolan?

15 A To my recollection, no.

16 Q I mean, given your circumstances --

17 MR. ONORATO: Your Honor, I'm going to
18 object.

19 THE COURT: All right. What's the question?

20 BY MR. DURHAM:

21 Q Given your being here as a witness today, if
22 Mr. Danchenko had said anything to you and Mr. Somma in
23 January of 2017 about Charles Dolan, you would remember
24 that; wouldn't you?

25 A I would, yes.

1 Q Because Mr. Dolan was somebody who was of interest
2 to you and Mr. Somma and the other Crossfire Hurricane
3 people at that time, correct?

4 A Correct.

5 Q So he didn't say anything about Dolan?

6 A No.

7 Q Do you recall, Mr. Auten, whether or not as to
8 Charles Dolan -- whether or not Mr. Danchenko separate
9 and apart from talking about Mr. Dolan, did he provide
10 any documents or records to the bureau, to your
11 knowledge, relating to him and Mr. Dolan?

12 A Not to my knowledge.

13 Q By January of 2017, do you recall what information
14 the bureau was interested in relating to Mr. Dolan?

15 A From my recollection, we had done some preliminary
16 looking, and it was at that stage -- I don't recall.
17 There was a lot being done.

18 Q Okay. So my next question, then, to your
19 recollection, did you or Mr. Somma raise Mr. Dolan's
20 name with Mr. Danchenko?

21 A Not to my recollection, no.

22 Q He didn't say anything to you about Dolan, and you
23 didn't raise it with him?

24 A Correct.

25 Q Subsequent to the January 2017 interviews with

1 Mr. Danchenko, do you recall whether or not additional
2 work was being done by the bureau relating to Charles
3 Dolan?

4 A Not to my knowledge between that time.

5 Q Okay. I may have misspoke.

6 A Okay.

7 Q Between -- I'm sorry, after January of 2017.

8 A After January 2017, yes, there was.

9 Q Okay. And explain that to the jurors.

10 A So Mr. Dolan became of more interest around the
11 April, May, June period of 2017.

12 Q And then with respect to Mr. Dolan, did you --
13 this just calls for a yes or no. Did you develop
14 information, your personal knowledge, information
15 developed about Mr. Dolan's relationship with somebody
16 that Mr. Danchenko had identified as one of his sources
17 of information?

18 A Yes.

19 Q Now, when that happened, was the bureau interest
20 piqued or did it remain the same?

21 A No, the interest was piqued after that.

22 Q And do you recall, sir, whether or not, in
23 connection with Mr. Danchenko's interviews by you and
24 Mr. Somma in January of 2017, if you had learned about
25 or been told about a meeting at a conference that had

1 been held in Moscow known as the Young Presidents
2 Organization?

3 A Yes.

4 Q And did Mr. Danchenko say that he participated in
5 that?

6 A Yes.

7 Q Did he say anything about his relationship with
8 Charles Dolan in connection with that?

9 A No.

10 Q Did he say -- as best you recall, did
11 Mr. Danchenko disclose to you that he had been first in
12 Moscow in June of 2016?

13 A I recall, yes, we went through his trips back and
14 forth to Russia.

15 Q Did he say anything to you and Somma, when you met
16 with him in January of 2017, that one of the persons he
17 was meeting with in Moscow in June of 2016 was Charles
18 Dolan?

19 A No.

20 Q With respect to the YPO, the Young Presidents
21 Organization, a meeting that occurred in Moscow in the
22 early part of October 2016, do you recall whether
23 Mr. Danchenko said anything to you about him being with
24 Charles Dolan at that time?

25 A I don't recall that, no.

1 Q Do you recall if Mr. Danchenko did provide some
2 kind of an agenda of what that conference was about?

3 A I can't remember if he provided the agenda. I am
4 familiar that there is an agenda.

5 Q You learned that Mr. Dolan was one of the persons
6 who was a panelist or a speaker?

7 A That is correct.

8 Q Okay. But you developed -- learned that as you
9 were going along?

10 A Yes.

11 Q The point being in January, when you were looking
12 for sources of information of the dossier context,
13 Mr. Danchenko didn't say anything about Charles Dolan?

14 A Correct.

15 Q And at that point, your information concerning
16 Dolan himself was not fully developed; is that right?

17 A Correct.

18 MR. DURHAM: Can I have just one moment, Your
19 Honor?

20 BY MR. DURHAM:

21 Q Okay. Now, I had asked you yesterday and you told
22 the jurors that one of the primary focuses of the
23 meetings with Mr. Danchenko in January and earlier with
24 Steele, but with Mr. Danchenko in January was sources
25 and identifying the sources of the information,

1 correct?

2 A Correct.

3 Q Do you remember, sir, whether or not you had
4 pressed Mr. Danchenko in the January interviews to
5 disclose any and all information that he had relating
6 to the sources who were involved in the dossier?

7 A Yes, I believe we emphasized that on the last day
8 of the interview or the set of interviews.

9 Q Tell the jurors what your recollection is in that
10 regard.

11 A My recollection is asking if there were any
12 additional individuals that we haven't talked about in
13 this interview that would be sources of information for
14 the dossier.

15 Q And is that clear in your mind?

16 A Yes. I documented it in the EC.

17 Q No doubt that you were asking Mr. Danchenko if
18 there were any other sources you can tell us about,
19 correct?

20 A That's my recollection.

21 Q Charles Dolan's name was not brought up?

22 A No.

23 Q To your recollection and knowledge, is
24 Mr. Dolan -- does he reside in the United States or
25 outside the country?

1 A My understanding is he resides in the United
2 States.

3 Q Okay. I want you to take a look, if you would,
4 sir -- and I'm hoping they are in the binders. I'm
5 sure they are -- at Government's Exhibit 712A, 712B,
6 713A, 713B, and 714. Are those all --

7 A They are all here.

8 MR. DURHAM: Your Honor, there's another
9 stipulation the parties have entered into relative to
10 these records.

11 THE COURT: Yes.

12 MR. DURHAM: It's Government's Exhibit 1803.
13 We would move 1803.

14 THE COURT: Yes.

15 MR. DURHAM: Any objection?

16 As I understand it, there's no objection from
17 the defense, Your Honor.

18 THE COURT: All right.

19 MR. DURHAM: With the Court's permission, may
20 I publish Government's Exhibit 1803?

21 THE COURT: Yes.

22 MR. DURHAM: Okay. It is hereby stipulated
23 and agreed, by and between the undersigned parties,
24 that if called to testify, a records custodian for
25 kglobal would testify as follows:

1 Paragraph No. 1: Government's Exhibits 700,
2 701, 702, 703, 704, 705, 706, 708, 709, 710, 711, 712A,
3 712B, 713A, 713B, 714, 715, and 717 are true and
4 accurate copies of the contents of emails from account
5 charles.dolan@kglobal.com.

6 Paragraph No. 2: Government's Exhibits 700, 701,
7 702, 703, 704, 705, 706, 708, 709, 710, 711, 712A,
8 712B, 713A, 713B, 714, 715, and 717 are true and
9 accurate copies of the authentic business records of
10 kglobal that were made at or near the time of the acts
11 and events recorded in them by a person with knowledge
12 and were prepared and kept in the course of kglobal's
13 regularly conducted business activity. And it was the
14 regular practice of kglobal to make such business
15 records, and the source of the information or the
16 method and the circumstance of preparation are
17 trustworthy.

18 Paragraph No. 3: The parties stipulate to the
19 authenticity of Government's Exhibits 700, 701, 702,
20 703, 704, 705, 706, 708, 709, 710, 711, 712A, 712B,
21 713A, 713B, 714, 715, and 717.

22 Paragraph No. 4: This stipulation is admissible
23 as evidence at trial, dated Alexandria, Virginia,
24 October 11, 2022, signed by government counsel and
25 defense counsel.

1 BY MR. DURHAM:

2 Q So, Mr. Auten, with respect to what the jurors
3 just heard, what we are going to look at here are
4 business records for kglobal, correct?

5 A Correct.

6 Q Do you know what kglobal was or is?

7 A Yes. Kglobal was, I believe, the consultancy that
8 Charles Dolan worked for.

9 Q Okay. So when we're looking at kglobal records,
10 these would have come from kglobal, and Mr. Dolan was
11 associated with kglobal, correct?

12 A That is my understanding, yes.

13 MR. SEARS: Your Honor, I apologize. Can we
14 approach, please, on these exhibits?

15 THE COURT: Yes.

16 (Conference at the bench, as follows:)

17 THE COURT: All right.

18 MR. SEARS: Your Honor, Mr. Dolan is mine.
19 Sorry. I should have paid closer attention when
20 addressing whether this witness should be going over
21 these emails or not. In our motion *in limine*, we
22 raised concerns about words and some of Mr. Dolan's
23 emails about Mr. Danchenko being KGB or a Russian
24 agent.

25 MR. ONORATO: Your Honor --

1 MR. SEARS: You just read a stipulation
2 discussing all of those emails.

3 MR. KEILTY: We are not going to offer any of
4 them.

5 THE COURT: Just authenticity.

6 MR. DURHAM: So it's clear, the stipulation
7 raised the authenticity. We are not offering -- I told
8 you we are not going to offer and we are not offering
9 the references in any of Mr. Dolan's emails and the
10 like to Mr. Danchenko's status as being too young to be
11 KGB. But he thinks he might be -- we are not offering
12 any of that.

13 MR. SEARS: I remember what he said. I just
14 want to make sure you weren't offering because it
15 wasn't clear.

16 MR. ONORATO: Then just to go back to my --
17 so you are going to show all of these documents, just
18 ask him questions about the contents but not
19 necessarily move them in? So I am trying to understand
20 where you are going with these exhibits. You are not
21 moving them into evidence?

22 MR. DURHAM: We would like to. If you are
23 going to object, you can.

24 MR. ONORATO: We have a duty or
25 responsibility to see how they are relevant to this

1 witness.

2 THE COURT: We will take it up when they are
3 offered.

4 MR. ONORATO: Can I have a standing objection
5 to the introduction of those exhibits?

6 THE COURT: You should object to a specific
7 exhibit when it is offered. All right. And then I
8 will rule on it. Okay.

9 MR. ONORATO: Thank you, Your Honor.

10 MR. DURHAM: Thank you.

11 (Proceedings continued in open court, as follows:)

12 THE COURT: All right, Counsel.

13 MR. DURHAM: Thank you, Your Honor.

14 BY MR. DURHAM:

15 Q Let's just get back on track here.

16 So, sir, have you had a chance to take a look at
17 those government exhibits that were referenced,
18 basically 712 through 714?

19 A Yes.

20 Q And with regard to those documents, prior to the
21 recent events in connection with this proceeding, had
22 you seen those before?

23 A No.

24 Q Had any of those been provided to you, produced to
25 you by Mr. Danchenko?

1 A No.

2 Q Do you know, based on your own personal knowledge,
3 whether or not there were, however, other documents
4 that were provided by Mr. Danchenko to the FBI during
5 the course of the three-day interview and thereafter?

6 A During the three-day interview, yes.

7 Q But you can say with certainty that these
8 particular exhibits, you were not provided with them by
9 Mr. Danchenko?

10 A Correct.

11 Q As to Government's Exhibit 712A for
12 identification, would you take a look at that.

13 A Yes, I have it here.

14 Q And with respect to Government's Exhibit 712A for
15 identification, what is 7A [sic]?

16 A This is an email from Mr. Danchenko --

17 Q I'm sorry, 712A.

18 A 712A is an email from Mr. Danchenko, Igor
19 Danchenko at igordanchenko@hotmail.com. The date is
20 Friday, August 19, 2016, at 1:08 p.m. It is to Charles
21 Dolan at charles.dolan@kglobal.com, and the subject is
22 Kosachev and Prikhodko.

23 Q Now, is that document in English or Russian?

24 A It is in English.

25 Q That's in English?

1 A Yes.

2 Q And it's dated in August of 2016?

3 A August 19, 2016.

4 Q Okay. With respect to Government's Exhibit 712A,
5 dated August 19, 2016, reading the content of that
6 document, would that document have been one that
7 Mr. Danchenko should have provided to you based on the
8 questions that you and Somma were asking him in January
9 of 2017?

10 A My assessment is yes.

11 Q Any doubt in your mind about that?

12 A No. My assessment would be yes.

13 Q You were looking for sources, correct?

14 A Correct.

15 MR. DURHAM: We would move 17A [sic] as a
16 full exhibit, Your Honor.

17 THE COURT: Any objection?

18 MR. ONORATO: 712A?

19 MR. DURHAM: 712A.

20 THE COURT: Any objection?

21 MR. ONORATO: No objection, Your Honor.

22 THE COURT: Without objection, 712A is
23 admitted.

24 BY MR. DURHAM:

25 Q So the jurors have 712A on the screen. Is your

1 screen working?

2 A Yes, it is.

3 Q I would ask you, then, to read into the written
4 record what the jurors are looking at on 712A beginning
5 at the very top with the identifier read from the from
6 and the to.

7 A From: Igordanchenko@hotmail.com.

8 Date: Friday, August 19, 2016, at 1:08 p.m.

9 To: Charles Dolan, charles.dolan@kglobal.com.

10 Subject: Kosachev and Prikhodko.

11 Hi, Chuck, here are best bios of two of the four.

12 Who were the others?

13 Could you please ask someone to comment on Paul
14 Manafort's resignation and anything on Trump campaign
15 off the record of course. Any thought, rumor,
16 allegation? I am working on a related project against
17 Trump. I asked Greg three months ago, but he didn't
18 say much, although shared a couple of valuable
19 insights.

20 Thanks a lot.

21 Best, Igor.

22 Q And then there's some information following,
23 correct?

24 A Correct.

25 Q So let's start at the very top. I had asked you a

1 question about your familiarity with a conference that
2 was held in Moscow in October -- early October of 2016,
3 correct, the YPO?

4 A Yes.

5 Q And you told the jurors that with respect to the
6 YPO, you had learned from Mr. Danchenko that he had
7 some involvement in that, correct?

8 A Correct.

9 Q And so in the August 19, 2016, email, marked as
10 Government's Exhibit 712A, the very first part of it
11 is, "Here are two bios, two of the four," correct?

12 A Correct.

13 Q And then the attachment appears to be the bios and
14 some people?

15 A Yes.

16 Q Do you have any knowledge whether or not these
17 were people who were being vetted to be panelists or
18 whatnot at the YPO?

19 A I know that now, yes.

20 Q Okay. But then the next paragraph states, "Could
21 you please ask someone to comment on Paul Manafort's
22 resignation and anything on Trump campaign? Off the
23 record, of course! Any thought, rumor, allegation?
24 I'm working on a related project against Trump. I
25 asked Greg three months ago, but he didn't say much,

1 although shared a couple of valuable insights.

2 "Thanks a lot.

3 "Best, Igor."

4 Did I read that correctly?

5 A Yes.

6 Q With respect to Mr. Danchenko asking Mr. Dolan for
7 information -- I guess any thoughts, rumors,
8 allegations, not facts, but I guess thoughts, rumors,
9 allegations, do you recall whether or not he,
10 Mr. Danchenko, shared that information with you and
11 Mr. Somma?

12 A Not anything with Mr. Dolan.

13 Q To your knowledge, did he share that -- withdrawn.
14 Yesterday you had said, after Mr. Danchenko was
15 being used as a confidential human source, there was a
16 particular handling agent, correct?

17 A Correct.

18 Q And who was that handling agent?

19 A Mr. Kevin Helson.

20 Q And with respect to Mr. Helson, I think you had
21 indicated you provided information, questions to pose
22 to Mr. Danchenko, every once in a while?

23 A Yes.

24 Q To your knowledge and recollection, did
25 Mr. Danchenko provide any information to Helson prior

1 to your posing -- asking the posed questions about --

2 A Not to my knowledge, no.

3 Q But this was not shared with you?

4 A No.

5 Q Government's Exhibit 712A, correct?

6 A Correct.

7 Q I would ask you to take a look at Government's

8 Exhibit 713 -- I'm sorry. Hold on one second. I have

9 to do 712B. Do you have 712B there?

10 A I do.

11 Q And what is 712B?

12 A 712B is -- there are actually two emails on the

13 page. The bottom one is the email that we just went

14 over in 712A, and at the top is from Dolan, Charles,

15 Friday -- the sent is Friday, 8/19/2016, at 8:06 p.m.,

16 and it is to Igor Danchenko. The subject is Re

17 Kosachev and Prikhodko.

18 Q Does this appear to be the response from Mr. Dolan

19 to Mr. Danchenko's email from earlier that day?

20 A Yes.

21 Q And it's in English?

22 A Yes.

23 MR. DURHAM: We would move 712B as a full

24 exhibit, Your Honor.

25 THE COURT: Any objection?

1 MR. ONORATO: No objection.

2 THE COURT: Without objection, 712B is
3 admitted.

4 MR. DURHAM: So, Ms. Arsenault, if you would
5 be so good as to blow up the top part of 712B.

6 BY MR. DURHAM:

7 Q Sir, would you read into the record, then, what
8 Mr. Dolan's response was to Mr. Danchenko's earlier
9 request for any thought, rumor, allegation relating to
10 Paul Manafort.

11 A Reading from the top:

12 From: Dolan, Charles.

13 Sent: Friday, 8/19/2016, 8:06 p.m., GMT-00:00.

14 To: Igor Danchenko.

15 Subject: RE: Kosachev and Prikhodko.

16 Hi Igor,

17 The other two were Alexey Ulyukaev, Minister for
18 Eco Dev, and Iris Tutor, Ombudsman RF.

19 Let me dig around on Manafort. Pretty sure the
20 new team wanted him gone ASAP and used today's NYT
21 story to drive a stake in his heart.

22 Charles H. Dolan, Jr., Senior Vice President.

23 Q And then the kglobal and the like, correct?

24 A Correct. Kglobal connecting issues and brands to
25 passionate advocates, 202-445-0422,

1 <http://kglobal.com/charles-dolan>.

2 Q Look at Government's Exhibit 712B. This would
3 appear to be Mr. Dolan responding to the request for
4 information about Manafort?

5 A Yes.

6 Q It came from Mr. Danchenko?

7 A Yes.

8 Q Who in his earlier email said that he was working
9 on a project against Trump?

10 A Yes.

11 Q With respect to the questions that you and Somma
12 were asking Mr. Danchenko in January of 2017, would
13 Mr. Dolan's response to Mr. Danchenko's request for
14 information have been relevant?

15 A Yes.

16 Q Should it have been provided to you in your view?

17 A In my view, in my assessment, yes.

18 Q Again, did Mr. Danchenko provide other information
19 to the bureau in written form?

20 A During the three-day interview, yes.

21 Q And to your knowledge thereafter, when he was
22 brought on board as a confidential human source, did he
23 provide written documents of various kinds over time?

24 A Yes, it was my understanding that he did.

25 Q I want to turn your attention, then, to

1 Government's Exhibits 713A and 713B. Do you have those
2 in a booklet in front of you, sir?

3 A I do.

4 Q Starting with Government's Exhibit 713A, what is
5 that?

6 A 713A has two emails on it. It's in English. It
7 has the email that we read earlier from Igor Danchenko,
8 Friday, August 19, 2016, at 1:08 p.m., to Charles
9 Dolan. The subject is Kosachev and Prikhodko, and then
10 the top is Charles Dolan -- from Charles Dolan, sent
11 Saturday, 8/20/2016, 10:43 a.m., to Igor Danchenko.
12 And the subject is Re Kosachev and Prikhodko.

13 Q And with respect to this document, it's in
14 English; is that correct?

15 A That is correct.

16 MR. DURHAM: We would move 713A as a full
17 exhibit, Your Honor.

18 THE COURT: Any objection?

19 MR. ONORATO: No objection.

20 THE COURT: Without objection, 713A is
21 admitted.

22 MR. DURHAM: Again, if we could -- just, if
23 you would, Ms. Arsenault, just show the bottom first so
24 the jurors can see that that's the email that was sent
25 by Mr. Danchenko to Mr. Dolan requesting the

1 information.

2 Okay, and then if you go to the top of
3 Government's Exhibit 13A [sic] and below that up for
4 the jurors.

5 BY MR. DURHAM:

6 Q And, Mr. Auten, would you read into the written
7 record what the jurors are now seeing on their
8 monitors, Government's Exhibit 713A?

9 A From: Dolan, Charles.

10 Sent: Saturday, 8/20/2016, 10:43 a.m. GMT-00:00.

11 To: Igor Danchenko.

12 Subject: RE: Kosachev and Prikhodko.

13 Hi Igor,

14 I had a drink with a GOP friend of mine who knows
15 some of the players and got some of what is in this
16 article, which provides even more detail. She also
17 told me that Corey Lewandowski, who hates Manafort and
18 still speaks to Trump, regularly played a role. He is
19 said to be doing a happy dance over it.

20 I think the bottom line is that in addition to the
21 Ukraine revelations, a number of people wanted Manafort
22 gone. It is a very sharp elbows crowd.

23 Q And then below that, is there something that's
24 inserted?

25 A Yes. It's a URL link,

1 <http://www.politico.com/story/2016/08/paul-manafort-fal>
2 [l-trump-campaign-227212](http://www.politico.com/story/2016/08/paul-manafort-fal).

3 Q With respect to Government's Exhibit 713A, then,
4 do you recall back in August -- the latter part of
5 August in 2016 there was a -- a time came when Paul
6 Manafort was discharged as the campaign manager of the
7 Trump campaign?

8 A I do recall that.

9 Q And there was a fair amount of publicity
10 surrounding that, correct?

11 A That is correct.

12 Q There was a lot being written about it and the
13 like in the press and the news and the like, correct?

14 A Correct.

15 Q In this particular email exchange between
16 Mr. Danchenko and Mr. Dolan -- and there's, in fact, a
17 political article that was attached it indicates,
18 correct?

19 A Correct.

20 Q And the jurors are undoubtedly familiar with
21 Politico, but just for the record, what is Politico?

22 A Politico is a news outlet.

23 Q So there was a lot of information out there,
24 correct?

25 A Correct.

1 Q But in this instance, Mr. Danchenko had been
2 asking for thoughts, rumors, allegations and the like,
3 and then the response from Mr. Dolan is not just what's
4 in the public sector, right? He's talking about a GOP
5 friend that provided him information; is that correct?

6 A It says here that he had a drink with a GOP friend
7 who knows some of the players and got some of what was
8 in the article, yes.

9 Q And in context, meaning there's some inside
10 information here?

11 A That's how I would read this, yes.

12 THE COURT: Thank you, Mr. Durham.

13 We're going to take our morning recess at
14 this time. We will stand in recess until 11:30. You
15 are excused to the jury room. Please do not discuss
16 this case during the recess.

17 (The jury exits at 11:09 a.m.)

18 THE COURT: Mr. Auten, do not discuss your
19 testimony during the recess.

20 The Court will stand in recess.

21 (Recess from 11:10 a.m. until : .m.)

22 (The jury is not present.)

23 THE COURT: I've passed on to you the note
24 from the jury that we received, which really just is an
25 inquiry as to, as I understand it, whether there should

1 be some significance to the way someone is addressed in
2 these emails. I'm not sure that there's anything to
3 respond to, but I'd like to hear from counsel.

4 Mr. Durham, do you have any --

5 MR. DURHAM: First of all, thank you for
6 getting the note to us. We discussed it briefly with
7 counsel. I don't want to misstate any understanding,
8 but I think, as we read the note, it's one in the same
9 person. The answer is yes.

10 MR. ONORATO: (Nods head up and down.)

11 THE COURT: Okay. You read it as asking
12 Sergei versus Sergio is referring to more than one
13 person or one person?

14 MR. DURHAM: It's one person. I think if
15 Your Honor were to take a look at just as an example --
16 let me just get the government's exhibit. If the Court
17 looks at Government's Exhibit 205T, the email address
18 at the top, it says Sergio and --

19 THE COURT: Hold on.

20 MR. DURHAM: It's a modified version, but I
21 think it's Sergio. So I think that's what the juror is
22 asking -- juror or jurors are asking about.

23 MR. SEARS: Your Honor, as I understand the
24 question, they don't seem to be asking whether it's the
25 same person but whether it implicates some sort of

1 relationship or special implication between the
2 parties.

3 THE COURT: That's what I understood it to
4 suggest. Whether when someone refers to someone as
5 Sergei versus Sergio, that that reflects some kind of a
6 closer, more knowledgable relationship.

7 MR. SEARS: Stuart versus Stu or Tony versus
8 Anthony or something like that.

9 THE COURT: Right.

10 MR. SEARS: I think that's kind of maybe what
11 they're getting at.

12 THE COURT: Right.

13 MR. SEARS: I don't know that they're going
14 to hear any evidence about --

15 THE COURT: Well, that was my thought. I
16 don't know that there's anything to tell the jury other
17 than to pass on their inquiry to counsel for their
18 consideration. At this point, they simply have to rely
19 on the evidence. But to the extent it's interpreted as
20 whether that's one in the same person, I think I can
21 tell them that, that Sergio and Sergei is the same
22 person. To the extent they have concerns other than
23 that, they will have to just await any further evidence
24 on it.

25 MR. DURHAM: I mean, if it would be helpful,

1 we could ask Mr. Auten. I'm not sure that he -- I know
2 he's not qualified to be a formal Russian translator,
3 but I know he does know some Russian. He may be able
4 to speak to that, but I don't know. I could ask him.

5 THE COURT: I don't know that we should go
6 down that road.

7 All right. I'll just tell the jury that I
8 passed it on to counsel for their consideration. They
9 will have to await for the evidence to the extent
10 they're asking whether Sergei and Sergio is the same
11 person. I can't tell them that it is.

12 Is that agreeable with counsel?

13 MR. SEARS: Yes, Your Honor.

14 THE COURT: All right. Let's bring the jury
15 out.

16 (The jury enters at 11:50 a.m.)

17 THE COURT: Please be seated.

18 I received your note, and I've discussed it
19 with counsel. To the extent you're asking whether
20 Sergei versus Sergio, whether that's the same person, I
21 can tell you that it's referring to the same person.
22 To the extent you're asking whether usage of one name
23 versus the other reflects something about the nature of
24 the relationship between the people speaking, I've
25 given that to counsel for their consideration. You

1 will just have to rely on the evidence as it comes in
2 with respect to that issue.

3 All right.

4 MR. DURHAM: Thank you, Your Honor.

5 THE COURT: Mr. Auten, you remain under oath.

6 BY MR. DURHAM:

7 Q Mr. Auten, when we broke for the morning recess,
8 you had just identified and testified concerning
9 Government's Exhibit 713A. I now want to turn your
10 attention to Government's Exhibit 713B. That's in your
11 notebook; is that correct?

12 A That is correct.

13 Q And as to Government's Exhibit 713B, what is it?

14 A 713B is an email from Mr. Danchenko to Mr. Dolan.
15 It's dated 8-20-2016. The subject is Ulyukaev,
16 U-L-Y-U-K-A-E-V, Titov, T-I-T-O-V, bios.

17 Q And with respect to Government's Exhibit 713B,
18 does it appear to be a follow-up basically to 713A?

19 A Yes, it appears so.

20 MR. DURHAM: We move 713B as a full exhibit,
21 Your Honor.

22 THE COURT: Without objection, 713B is
23 admitted.

24 MR. DURHAM: I ask 713B be brought up.

25 Ms. Arsenault, if you could, just blow up the

1 first portion of the top part of that letter and make
2 it more legible.

3 BY MR. DURHAM:

4 Q Is your monitor working, sir?

5 A It does.

6 Q All right. So looking at Government's
7 Exhibit 713B, what is it?

8 A It is an email from Mr. Danchenko to Mr. Dolan,
9 dated 8-20-2016, at 12:43 p.m.

10 Q Again, just before we broke, you had identified
11 and testified about 713A where Mr. Dolan in an email is
12 telling Mr. Danchenko he had a drink with a GOP friend,
13 etc., correct?

14 A Correct.

15 Q And now this is the reply from Mr. Danchenko to
16 Mr. Dolan. Would you read that into the record, sir.

17 A From: Igor Danchenko.

18 Sent Saturday, 8-20-2016, 12:43 p.m., GMT-00:00.

19 To: Dolan, comma, Charles.

20 Subject: Ulyukaev and Titov bios.

21 Dear Chuck, thank you for this. Any additional
22 insights will be much appreciated. It is an important
23 project for me, and our goals clearly coincide. I've
24 been following the Russia trail in Trump's campaign.
25 It is there. So what you read in the news is hardly an

1 exaggeration. Some things are less dramatic while
2 others are more than they seem. Here are two more bios
3 I put together for you. Still don't know when I am
4 traveling next. I shall keep you updated.

5 Cheers, Igor.

6 Q With respect to Mr. Danchenko's reply to
7 Mr. Dolan, he writes in the second sentence, "It is an
8 important project for me." Is that correct? That's
9 what he writes?

10 A Yes. "It is an important project for me."

11 Q Do you remember, when you were meeting with
12 Mr. Danchenko in January of 2017, if he indicated that
13 the work he was doing, anti-Trump work he was doing,
14 was a very important project for him?

15 MR. ONORATO: Objection to the
16 characterization.

17 THE COURT: Sustained.

18 Go ahead. Rephrase it.

19 BY MR. DURHAM:

20 Q Do you recall whether or not when you were
21 chatting with Mr. Danchenko in January 2017 if he
22 indicated that the work he was doing with Christopher
23 Steele was an important project for him?

24 A I don't know if he characterized it as an
25 important project for him, but he characterized it as a

1 project that he was very busy with.

2 Q With respect to the second part of that sentence,
3 "...and our goals clearly coincide," in context
4 Mr. Danchenko's and Mr. Dolan's goals?

5 A That is how I would read that.

6 Q Would it have been of value to the FBI to know
7 that Mr. Danchenko's goals and Mr. Dolan's goals
8 related to the Trump campaign coincided?

9 MR. ONORATO: Objection, mischaracterizes the
10 evidence.

11 THE COURT: Hold on.

12 MR. DURHAM: I thought I read it correctly.
13 Should I repeat it to make sure --

14 THE COURT: No. I've read it.

15 You can answer. Go ahead. Overruled.

16 A Can you repeat the question, please?

17 Q Sure. Would it have been of value to you and your
18 colleagues to know, when you were interviewing
19 Mr. Danchenko, that his work for Christopher Steele was
20 an important project and that his goals coincided with
21 Dolan's goals?

22 A I would say to the extent that if there was
23 anything in the dossier that Mr. Dolan had provided, it
24 would have been important for us to understand that his
25 goals and Mr. Dolan's goals coincided.

1 Q Okay. Now, you told the jury before we broke that
2 you and your colleagues had done some work on trying to
3 identify who Mr. Dolan was and so forth prior to
4 January 2017, correct?

5 A Correct.

6 Q But it wasn't far advanced at that point?

7 A Correct.

8 Q But later on it was; you did more work?

9 A Correct.

10 Q You became more interested?

11 A Yes.

12 Q And with respect to goals coinciding, let me ask
13 you this: Did you determine whether or not Mr. Dolan
14 had any particular partisan persuasion?

15 A Yes.

16 Q And what was that?

17 A Democratic.

18 Q And how deeply involved in democratic politics was
19 Mr. Dolan, if you know, based on your own personal
20 participation in the investigation?

21 MR. ONORATO: Objection to relevance.

22 THE COURT: I'll let him answer.

23 Go ahead.

24 A I understand he worked with various aspects of
25 democratic campaigns over the years.

1 Q And when you say over the years, was it like two
2 or three years or a longer period?

3 A My recollection is it was longer.

4 Q Much longer?

5 A For a while back. I wouldn't be able to actually
6 specify how long back.

7 Q In any event, it would have been valuable for you
8 to know that Mr. Danchenko's goals coincided with
9 Mr. Dolan's goals, correct?

10 A Again, to the extent that it dealt with
11 corroboration and accuracy of the dossier, yes.

12 Q Okay. Now, I want you to turn your attention,
13 sir, to Government's Exhibit 714. Do you have that?

14 A I do have that, yes.

15 Q Looking at Government's Exhibit 714, what is that?

16 A That is an email from Mr. Dolan to Mr. Danchenko
17 sent Saturday, 8-20-2016, 2:00 p.m. The subject is
18 saying regarding -- well, the subject is Re Kosachev
19 and Prikhodko.

20 Q Okay. And does this appear to be Dolan's response
21 then to Mr. Danchenko's email?

22 A Yes, his email -- Mr. Dolan's email to
23 Mr. Danchenko on the 20th of -- yeah, the 20th of
24 August 2016.

25 MR. DURHAM: We move 714 as a full exhibit,

1 Your Honor.

2 THE COURT: Any objection?

3 MR. ONORATO: No, Your Honor.

4 THE COURT: Without objection, 714 is
5 admitted.

6 MR. DURHAM: I'd ask Ms. Arsenault just to
7 blow up the top part of the exhibit.

8 BY MR. DURHAM:

9 Q Is that then what the jurors are looking at as the
10 response from Mr. Dolan to Mr. Danchenko's note
11 thanking him for sending the information along?

12 A Yes.

13 Q It's short and sweet. Would you read it into the
14 record so the record is complete.

15 A Yes. It's from Dolan, comma, Charles.

16 Sent: Saturday, 8-20-2016, 2:00 p.m, GMT-00:00.

17 To: Igor Danchenko.

18 Subject: Re Kosachev and Prikhodko.

19 Thanks. I'll let you know if I hear anything
20 else.

21 Charles H. Dolan, Jr., senior vice president,
22 kglobal.

23 Connecting issues and brands to passionate
24 advocates.

25 Q Now, you just told the jurors that the exchange or

1 exchanges between Mr. Danchenko and Mr. Dolan would
2 have been valuable or important if you knew that any of
3 that information was sourcing information or sourced,
4 correct?

5 A Correct.

6 Q I want you to take a look, if you would, sir, at
7 Government's Exhibit 112. Do you have 112 in front of
8 you.

9 A I do, yes.

10 Q With respect to Government's Exhibit 112, what's
11 that document?

12 A That is a company intelligence report, Orbis
13 Report 2016/105.

14 Q All right. And as to the Government's
15 Exhibit 112, there are certain portions of it that have
16 been redacted out for these proceedings, correct?

17 A That is correct. It is partially redacted.

18 Q As to the information that is contained in
19 Government's Exhibit 112 that you can read, does that
20 appear to be an accurate copy of the Steele dossier,
21 Report 2016/105?

22 A From my recollection, yes.

23 Q You told the jurors during the course of your
24 testimony yesterday and today that you reviewed various
25 reports, numbered reports with Mr. Danchenko in January

1 2017, correct?

2 A Correct.

3 Q Was Report No. 105 one of those that was reviewed
4 with Mr. Danchenko in January of '17?

5 A I would have to refresh my memory on that.

6 Q Okay. Is there something that would help you
7 refresh your recollection?

8 A My EC from --

9 Q You're talking about Government's Exhibit 100?

10 A Yes.

11 MR. DURHAM: Okay. With the Court's
12 permission, I'll ask the court security officer to
13 provide that to the witness.

14 A There were a number of reports that we asked him
15 about, but I need to check whether 105 was one of them.

16 MR. DURHAM: I think the parties would agree,
17 Your Honor, that this particular report, 2016/105, was
18 not contained in Mr. Auten's report and it was not
19 reviewed with Mr. Danchenko on January 2017.

20 MR. ONORATO: Yes, Your Honor.

21 THE COURT: All right.

22 BY MR. DURHAM:

23 Q So just put it aside.

24 A Okay. Fair enough.

25 Q Because in January 2017, you didn't know about

1 Mr. Danchenko's relationship with Dolan, correct?

2 A In January 2017, no.

3 Q And in that regard, had Mr. Danchenko told you
4 about his relationship with Mr. Dolan, do you think it
5 likely that you would have reviewed 105 at that time?

6 A If Dolan had come up during the three-day
7 interview, we would have documented that Dolan had come
8 up. I don't know whether it would have been with
9 respect to that particular report or whether it had
10 been just a general discussion of Dolan. I'm not
11 exactly sure how that would have come up during the
12 conversation had it come up.

13 Q Okay. But you have no current recollection about
14 that, correct?

15 A Correct.

16 Q Now, you told the jurors earlier today that after
17 the January interviews that you had done, your
18 investigation continued, correct?

19 A Correct.

20 Q And I just want to -- for purposes of chronology,
21 I just wanted to step back for a minute. You testified
22 to the jury yesterday that you first became involved in
23 Crossfire Hurricane shortly after its opening in July,
24 the end of July. You started in early August 2016,
25 correct?

1 A Correct.

2 Q And then Crossfire Hurricane, that was the FBI's
3 investigation into these matters, correct?

4 A Correct.

5 Q And at some point in time -- I'm not going to ask
6 you when. But would it be a fair statement that at
7 some point in time, the FBI investigation was taken
8 over by Director Mueller and Mr. Mueller's
9 investigators?

10 A That is correct.

11 Q Do you remember about when that happened?

12 A I believe it was May 19th or somewhere around
13 there.

14 Q Of?

15 A 2017.

16 Q And then when Crossfire Hurricane transitioned
17 into Director Mueller's inquiry, did you remain with
18 the project, or did you go elsewhere?

19 A No. I remained and went with Special Counsel
20 Mueller.

21 Q So it was a continuum for you; you just stayed
22 working in the same stuff?

23 A Correct.

24 Q Now, I want to then ask you: In that connection,
25 at any point in time after January 2017, whether you

1 were part of the Crossfire Hurricane group or had
2 evolved into Mr. Mueller's inquiry, did you continue to
3 be involved personally in matters relating to
4 Mr. Danchenko and his sources?

5 A Yes.

6 Q Do you recall, sir, whether or not -- in that
7 connection, whether Mr. Danchenko had ever advised the
8 FBI that one of the sources of information was a woman
9 whose last name was Galkina?

10 A Yes.

11 Q Olga Galkina?

12 A Yes.

13 Q Tell the jurors, if you would, sir, whether or not
14 if at any point in time after January 2017 you,
15 yourself, had occasion to participate in any direct way
16 with trying to run down information that was in the
17 dossier that was reported to have come from particular
18 sources.

19 A Yes.

20 Q And was Ms. Galkina one of those persons?

21 A Yes.

22 Q And was Ms. Galkina in the United States or
23 elsewhere?

24 A Elsewhere.

25 Q And with respect to Ms. Galkina, where was she

1 located?

2 A She was located in Cyprus.

3 Q Did you, yourself, ever have occasion to talk to

4 Ms. Galkina?

5 A Yes, I did.

6 Q With respect to -- and did you do that alone?

7 A No.

8 Q There were other folks with you?

9 A Correct.

10 Q And with regard to your talking to Ms. Galkina,

11 was there a particular focus of your inquiry of

12 Ms. Galkina?

13 A We were looking, again, for the material that was

14 attributed to Ms. Galkina coming out of the January

15 2017 interviews. We wanted to get a sense from

16 Ms. Galkina's own words or recollections, etc., exactly

17 how she was oriented with respect to her accessees and

18 whether or not the information was accurate.

19 Q Okay. And Galkina was a name that had been

20 provided to you by Mr. Danchenko?

21 A That is correct.

22 Q And as a general proposition, was Ms. Galkina's

23 information consistent with Mr. Dolan's information?

24 MR. ONORATO: Objection.

25 THE COURT: Well, I'm going to sustain the

1 objection. I'm not sure he knew what the Dolan
2 information was.

3 MR. DURHAM: Oh, I'm sorry. I misspoke. I'm
4 sorry. I asked the question the wrong way.

5 BY MR. DURHAM:

6 Q What in general was the information that
7 Ms. Galkina provided consistent with the information
8 that Mr. Danchenko had attributed to her?

9 A I would say in general but not one-on-one
10 correspondence.

11 Q And were there important parts of the interview
12 which were inconsistent?

13 MR. ONORATO: I'm going to object.

14 THE COURT: Let me see counsel.

15 (Conference at the bench, as follows:)

16 THE COURT: All right. What's the relevance
17 of this?

18 MR. DURHAM: Yes, Your Honor. What we
19 believe the testimony will be, if the Court permits,
20 Mr. Auten goes to Cyprus with others.

21 THE COURT: When was that? When did he go?

22 MR. KEILTY: August 2017.

23 MR. DURHAM: So he and others go, and they
24 interview Ms. Galkina in Cyprus. Ms. Galkina gives
25 some information that's inconsistent with what

1 Mr. Danchenko had told the bureau. As a result of some
2 of those inconsistencies by then the Mueller group,
3 Crossfire, they had questions that they then wanted to
4 have Mr. Helson pose to Mr. Danchenko. So that's where
5 this is going.

6 MR. KEILTY: Your Honor, parts of the
7 questions that the FBI asked Ms. Galkina related to
8 Mr. Dolan.

9 THE COURT: All right.

10 MR. ONORATO: This is literally propensity.
11 What Mr. Danchenko told about Galkina was not somehow
12 accurate.

13 THE COURT: Right. The point is that, based
14 on their conversations with Galkina, they asked Helson
15 to ask certain questions.

16 MR. ONORATO: Correct. That's simple.

17 THE COURT: I think that's all you can --

18 MR. DURHAM: You want me to cut to it that
19 way?

20 THE COURT: Yes. I don't think we need to
21 talk about inconsistencies or anything else.

22 MR. DURHAM: Sure, Your Honor.

23 (Proceedings continued in open court, as follows:)

24 THE COURT: Counsel.

25

1 BY MR. DURHAM:

2 Q Let me go back. Sir, so you, again, have told the
3 jury that you went to Cyprus with others and you
4 interviewed Ms. Galkina, correct?

5 A That is correct.

6 Q And would it be a fair statement that you were
7 interviewing Galkina about matters that Mr. Danchenko
8 had talked about? Correct?

9 A That is correct.

10 Q And as to whatever was said by Ms. Galkina, as a
11 result of your interview with Ms. Galkina at the time,
12 did that cause you to take any actions?

13 A Did it cause us to take any action? Investigative
14 action or --

15 Q When you came back to the United States --

16 A Right.

17 Q -- as a result of what you had learned, whatever
18 that was, from Galkina, do you recall, sir, whether or
19 not you and others, for example, posed questions or
20 gave questions to Kevin Helson to pose to
21 Mr. Danchenko?

22 A Yes.

23 Q And do you recall with respect to the subject
24 matter of the question or questions that you asked
25 Mr. Helson to pose to the defendant, what were those

1 about?

2 A Those were about -- I think there were questions
3 about Mr. Dolan. I believe there were questions about
4 other aspects of things that Ms. Galkina had talked
5 about that we wanted clarification on.

6 Q With respect to the questions that you asked
7 Mr. Helson to ask of Mr. Danchenko, to your knowledge,
8 are those questions then put to Mr. Danchenko?

9 A That is my understanding.

10 Q Were you present for that?

11 A I was not.

12 Q So whatever they -- whatever the questions and
13 answers so forth were, you don't have any personal
14 knowledge?

15 A I do not.

16 Q And so if there was something that Mr. Helson
17 asked and whatnot, he would be the proper person to
18 testify about that, not you?

19 A Correct.

20 MR. DURHAM: Okay. May I have just one
21 moment, Your Honor?

22 THE COURT: Yes.

23 BY MR. DURHAM:

24 Q Finally, let me ask you: As a result of your
25 meeting in Cyprus with Ms. Galkina -- when you met in

1 Cyprus with Ms. Galkina, do you remember what you
2 personally were interested in inquiring of Galkina --
3 not what she said to you but what you said or others in
4 your presence -- Galkina's relationship with Mr. Dolan?

5 A We did ask that question, yes.

6 Q And were you able to get any information?

7 A Very vague information to my recollection.

8 Q When you were present, did she give any
9 information about Dolan?

10 A I don't recall specifics.

11 Q All right. But in general, she didn't want to
12 talk about Dolan?

13 A No.

14 Q No?

15 A No. She seemed hesitant.

16 Q She didn't want to talk?

17 A That is what I recall.

18 Q Okay. So whatever the relationship was between
19 Mr. Dolan and Ms. Galkina led to further investigative
20 efforts?

21 A Correct.

22 MR. DURHAM: Okay. Thank you, sir.

23 I have no further questions, Your Honor.

24 THE COURT: All right. Cross.

25 MR. ONORATO: Thank you, Your Honor.

1 CROSS-EXAMINATION

2 BY MR. ONORATO:

3 Q Good afternoon, Mr. Auten.

4 A Good afternoon.

5 Q I know that you've met with a lot of people in
6 preparation for your testimony here. Is that true?

7 A That is true.

8 Q Okay. And there were a number of investigations
9 that occurred with respect to the Crossfire Hurricane
10 matter, inquiries by the Senate, right?

11 A Correct.

12 Q And inquiries by the OIG of the Department of
13 Justice?

14 A Correct.

15 Q OIG stands for the Inspector General of the
16 Department of Justice, right?

17 A Correct.

18 Q And I want to try to go chronologically, but I'm
19 sometimes bad with it. But on October 25, 2018, did
20 you meet voluntarily with people from the OIG?

21 A Yes.

22 Q Okay. And the purpose of that was to discuss the
23 FBI's use of confidential human sources, correct?

24 A Among other things, yes.

25 Q And you were told at the beginning of that meeting

1 that you were not the subject or target of any review;
2 is that right?

3 A That is correct.

4 Q Okay. And when you were there, all you wanted to
5 do is tell the truth with the information that you knew
6 at the time, right?

7 A Correct.

8 Q Okay. Because you were told by the investigators
9 that if you made a false statement, you could be
10 prosecuted for that under 18 U.S.C. 1001, right?

11 A That is correct.

12 Q Okay. So you understood that. And while under
13 oath subject to --

14 THE COURT SECURITY OFFICER: Counsel, they
15 cannot hear you.

16 MR. ONORATO: Sorry.

17 THE COURT: Do you have the microphone there?
18 Good. All right.

19 MR. ONORATO: Thank you, Judge, and I
20 apologize. There's apparently construction.

21 THE COURT: Keep your voice up a little.

22 BY MR. ONORATO:

23 Q And while under oath subject to penalty of
24 perjury, you gave a number of positive statements
25 regarding Mr. Danchenko, correct?

1 A Correct.

2 Q And the same with respect to November 13, 2018?

3 Did you meet with similar OIG agents?

4 A Yes.

5 Q Okay. Did you meet with them again on April 24,
6 2019?

7 A Yes, I did.

8 Q Did you meet with them again on April 26, 2019?

9 A Yes, I did.

10 Q And, hopefully, not as long as your testimony
11 today, but you would say that that lasted more than 20
12 hours; is that right?

13 A That is correct.

14 Q And when you made those positive statements about
15 Mr. Danchenko, you knew they were true, correct?

16 A Correct.

17 Q And we're going to cover those in a few minutes.

18 Separately, you prepared a 100-page written
19 affidavit or declaration, and you gave that to the
20 FBI's Office of Internal Affairs; is that correct?

21 A That is correct.

22 Q And did you prepare that?

23 A I did.

24 Q And did you sign it?

25 A I did.

1 Q And, again, subject to the same penalty of
2 perjury, right?

3 A Correct.

4 Q Okay. And, lastly, you met with the investigators
5 from the U.S. Senate Judiciary Committee; is that
6 right?

7 A That is correct.

8 Q And you appeared voluntarily?

9 A Correct.

10 Q Again, a witness, not a subject or target, right?

11 A Correct.

12 Q And when you met with them, you had lawyers with
13 you, right?

14 A I did, yes.

15 Q And that's because Mr. Durham's team began an
16 inquiry into these matters; is that right?

17 A That is correct.

18 Q Okay. And you have two very good lawyers, right?

19 A Yes.

20 Q Okay. And one of them is named Brian Heberlig,
21 but he's not here today, right?

22 A Correct.

23 Q The other one is Pat Linehan?

24 A Yes, correct.

25 Q And they work for a major law firm in D.C. --

1 A Correct.

2 Q -- called Steptoe & Johnson?

3 A Correct.

4 Q Mr. Linehan is actually in the courtroom with one
5 of his associates?

6 A Correct.

7 Q And whenever you met with the special counsel
8 here, were Linehan or Mr. Heberlig or some other person
9 from their law firm also with you?

10 A Yes.

11 Q Okay. And when you met with the Senate Judiciary
12 Committee, you met with them for four or five hours,
13 right?

14 A Correct.

15 Q And you were asked to tell the truth because you
16 were told that if you lied to Congress, you could be
17 prosecuted?

18 A Yes.

19 Q And, again, you made positive statements about
20 Mr. Danchenko?

21 A Yes.

22 Q Okay. Now, let's talk about your interactions
23 with the special counsel, which I will call the Durham
24 team. Do you remember when you first met with them?

25 A Yes.

1 Q Does July 26 of 2021 sound fair?

2 A Yes, it does.

3 Q Okay. And when you met with them for the first
4 time after you were meeting with people for 25 or 30
5 hours, did your status change from a witness to a
6 subject of an investigation?

7 A Yes, it did.

8 Q Okay. And in your work for the FBI, has anyone
9 ever told you that you are a subject of a criminal
10 inquiry?

11 A No.

12 Q Was that scary?

13 A Yes.

14 Q Is that why you had two lawyers with you?

15 A Yes.

16 Q Two good lawyers?

17 A Yes.

18 Q Okay. And when you met with them, you didn't
19 believe you did anything wrong, right?

20 A Correct.

21 Q And you told them that?

22 A Correct.

23 Q But yet they were telling you that you could
24 potentially face criminal prosecution here?

25 A I don't recall them actually stating that during

1 the interview, but it was understood, as a subject of a
2 criminal investigation, that that was a possibility.

3 Q And that was scary?

4 A Yes.

5 Q Okay. Now, prior to your testimony today, how
6 many times did you meet with Mr. Durham and anybody on
7 his team?

8 A I believe it was something like three or four.

9 Q Okay. Did you meet with them last week?

10 A Yes.

11 Q How many times did you meet with them to prepare
12 for your trial testimony?

13 A I believe it was twice last week.

14 Q Okay. And prior to that, you met with them a
15 number of times in 2021; is that right?

16 A Correct.

17 Q Can I ask you this?

18 A Sure.

19 Q In your career, did you ever have meetings with
20 prosecutors from the Department of Justice?

21 A Yes.

22 Q In any of those other meetings with prosecutors of
23 the Department of Justice, did you bring not one but
24 two lawyers from a major Washington, D.C., law firm
25 with you?

1 A No.

2 Q Okay. So this was different?

3 A Yes.

4 Q This was unusual?

5 A Yes.

6 Q How about any meetings with other agents? You've
7 met with other agents before?

8 A Yes.

9 Q And prosecutors?

10 A Correct.

11 Q Did those agents ever bring lawyers with them to
12 those meetings?

13 A No.

14 Q Okay. That would be odd, right?

15 A Yes, it would.

16 Q Okay. Again, I'm not criticizing you because I
17 understand you have a right to have counsel because you
18 felt like you needed to be protected. Is that right?

19 A That is correct.

20 Q Okay. And despite what they told you about your
21 status as a subject, you told them the truth; is that
22 right?

23 A That is correct.

24 Q Okay. And so I'd like to talk a little bit about
25 your work at the FBI if that's okay. So we went

1 yesterday, and we covered that you have a doctorate
2 degree and are very well educated?

3 A Yes.

4 Q When I heard you testify and I heard a Russian
5 name come up, I heard you talk with an accent.

6 A Well, I know how to pronounce some things, yes.

7 Q How is that?

8 A I've had two years of university level Russian, as
9 well as some refresher courses in Russian.

10 Q And can you read a little bit of Russian?

11 A It's rusty, but yes, a little bit.

12 Q Enough to look at a document and get the gist of
13 what it's saying?

14 A Sometimes, yes.

15 Q Okay. And you were hired by the FBI in 2005 or
16 2006?

17 A 2005.

18 Q Okay. And tell us -- because I want to
19 understand, and I think the jury wants to understand
20 this -- what is your role as an intelligence analyst?

21 A So I was hired on in 2005 as an intelligence
22 analyst, a line analyst. And like I said yesterday,
23 line analysts are busy reading different types of
24 classified and unclassified materials. They are going
25 through the fruit of investigations to help both the

1 investigators in the field, as well as to help
2 headquarter's executives understand trends, understand
3 patterns, and the like.

4 Q Okay. And as an intelligence analyst, I'm
5 assuming you gather information from either witness
6 interviews --

7 A Correct.

8 Q -- from open sources?

9 A Open sources, yes.

10 Q So let's talk about an open source. What is an
11 open source?

12 A So an open source can be anything that is
13 available publicly. A newspaper article could be open
14 source. A journal article could be open source. We
15 tend to break it down in terms of classified and
16 nonclassified. But if it's out in the open, we tend to
17 call it open source.

18 Q Okay. We'll talk more about open source in a
19 minute, but I think Mr. Durham talked to you about
20 Politico.

21 A Yes.

22 Q Politico is open source?

23 A Correct.

24 Q So someone like myself, I could type in
25 information about, you know, whatever the topic is,

1 maybe find a Politico story, right?

2 A Correct.

3 Q Okay. Of course, you have FBI databases that have
4 other information; is that right?

5 A That is true.

6 Q Okay. I think yesterday there was a topic
7 discussed called "raw intelligence."

8 A Yes.

9 Q Okay. So help the jury understand what is meant
10 by the term "raw intelligence."

11 A So raw intelligence -- one way of thinking about
12 it is you are receiving -- exactly what you receive
13 from a source. It might be raw. It's not necessarily
14 gone through a process of being evaluated or assessed.

15 Q So basically, not corroborated material, just raw
16 material, and then here it is. And it's got to be
17 corroborated thereafter?

18 A Correct.

19 Q Okay. So to go back to open source -- because I
20 still have some questions that I want to make it clear
21 to the jury. So suppose I have a conversation with you
22 and I tell you that George Washington was the first
23 president of the United States, right?

24 A Correct.

25 Q It's fair to say that that would be open source

1 material?

2 A Yes.

3 Q That it's common knowledge?

4 A Common knowledge.

5 Q And that if you're citing that George Washington
6 is a president, you need not tell the world that I told
7 it to you because it's kind of well known?

8 A You would not need to cite that.

9 Q Same thing. If I told you that Christmas Day
10 falls on December 25 of every year, you would agree
11 with me that it does, right?

12 A Correct.

13 Q And, again, you would not need to cite me as a
14 source for that because it's common knowledge, right?

15 A True.

16 Q Okay. Let's talk about as an intelligence
17 analyst. Is it fair to say that you try to make
18 analytical judgments about information that you
19 receive?

20 A Yes.

21 Q Okay. And whether that information comes from a
22 confidential human source, which we talked about
23 yesterday, an open source --

24 A Yes.

25 Q -- or a combination of those, right?

1 A Correct.

2 Q Okay. And you tried to assess whether the
3 information that you receive is more likely to be true
4 or false based on an examination of facts that you
5 receive, right?

6 A That is correct.

7 Q And, in fact, when you spoke to the inspector
8 general in August -- I'm sorry -- April 26, 2019, you
9 told them that you were making analytical judgments
10 based on your training, expertise, and career at the
11 bureau?

12 A Correct.

13 Q And I think you may have testified yesterday, but
14 I know you testified before that it was your job to
15 connect the dots and provide necessary and verified
16 intelligence and information needed to be verified in
17 investigations to the bureau.

18 A Yes.

19 Q Okay. And that would help agents make good,
20 informed decisions about how they want to proceed; is
21 that right?

22 A That is correct.

23 Q All right. Now, as an analyst, you have tools
24 that you utilize to help you make analytical judgments;
25 you would agree with me?

1 A Yes.

2 Q Okay. And I'd like to show you for identification
3 two different charts. So first is Defense Exhibit
4 No. 400.

5 MR. ONORATO: It's not for the jury, just for
6 the witness.

7 A I'm on 400.

8 Q Okay. Take a look at the document and please let
9 the jury know whether you are familiar with this
10 document.

11 A I am familiar with this document.

12 Q Okay. Please tell the jury what that document is.

13 A This is a breakdown of how the FBI judges
14 probability in terms of likelihood with respect to its
15 analytical judgments and assessments.

16 Q In terms of probability and likelihood, is that
17 something that you rely on, that chart, in doing your
18 job as an FBI agent?

19 A In part, yes.

20 Q You were trained with respect to this chart,
21 correct?

22 A Yes.

23 MR. ONORATO: Okay. Your Honor, I'd move in
24 Defense Exhibit No. 400.

25 THE COURT: Any objection?

1 MR. DURHAM: No objection.

2 THE COURT: Without objection, Defense
3 Exhibit 400 is admitted.

4 BY MR. ONORATO:

5 Q Likewise, with respect to Defense Exhibit
6 No. 401 -- please take a look at that.

7 A I am looking at 401.

8 Q What is that?

9 A That is a number of statements in terms of how we
10 determine in the FBI whether something falls on a very
11 high confidence judgment, a medium confidence judgment,
12 or a low confidence judgment.

13 Q When you say a high confidence judgment, medium
14 confidence judgment, or low confidence judgment, what
15 do you mean?

16 A What I mean is that if you are going to assess
17 something, you want to know the confidence level of
18 your assessment. And so there are aspects that you
19 would look at to determine how, you know, robust your
20 confidence would be in the assessment that you're
21 making.

22 Q When you are assessing information, it would be
23 fair to say that facts are important for you to make
24 those two assessments based on 400 and 401?

25 A Yes.

1 Q And facts no matter where you get them, correct?

2 A Correct.

3 Q So if you have certain facts in January of 2016,
4 you would use those facts, correct?

5 A Yes.

6 Q And if you got facts today in court, you would use
7 those facts to do your job; is that right?

8 A That is correct.

9 Q Okay. And is it fair to say sometimes you get
10 conflicting information about data?

11 A Yes.

12 Q And when that happens, sometimes you cannot make
13 an analytical judgment one way or another because both
14 sides or both pieces of information could be plausible?

15 A That is correct.

16 Q And so sometimes there are strong arguments
17 against a proposition, right?

18 A Correct.

19 Q And sometimes there are strong arguments for the
20 other side, right?

21 A Correct.

22 Q And in that scenario, you can't make a conclusion
23 because you're just getting the facts and you're trying
24 to figure them out?

25 A Yes.

1 Q Okay. Now, given your background with respect to,
2 you know, analytics and, you know, your work history,
3 is it fair to say that you were assigned to the
4 Crossfire Hurricane investigation?

5 A Yes.

6 Q Now, a quick summary would be to say that
7 Crossfire Hurricane started because someone who was
8 represented to be a high-level Trump campaign official
9 and advisor, Mr. Papadopoulos, allegedly indicated that
10 the Russians would help leak damaging information to
11 the Clintons and Obamas, right?

12 A They had received a suggestion that they could be
13 helped that way, yes.

14 Q Again, that person was George Papadopoulos, right?

15 A That is correct.

16 Q Okay. And the FBI opened an investigation on
17 July 31, 2016?

18 A Yes.

19 Q That was before you had any information regarding
20 the Steele dossier, right?

21 A That is correct.

22 Q That was before you even -- so you would agree
23 with me that the opening of that investigation had
24 nothing to do with the Steele information; it had
25 nothing to do with the initiation of Crossfire

1 Hurricane?

2 A Correct.

3 Q You would agree that the goal of Crossfire
4 Hurricane was to determine whether or not there was
5 truth to the allegation that a friendly foreign
6 government had provided the U.S. with respect to Russia
7 and collusion between the Trump administration?

8 A That is correct.

9 Q Now, a day or two after the opening, your
10 supervisor -- that was Jon Moffa?

11 A That is correct.

12 Q He said he was going to put together a team,
13 right?

14 A Yes.

15 Q And he said he wanted you to lead that team?

16 A The analytical team, yes.

17 Q He wanted you to lead that team because he knew
18 you did good work?

19 A I believe so, yes.

20 Q And he thought that you were knowledgeable on
21 Russian matters?

22 A Yes.

23 Q In fact, didn't you, before being assigned to
24 that, receive what they call the Director's Award at
25 the FBI?

1 A I did.

2 Q That's a prestigious award, right?

3 A Yes.

4 Q And that award is given to people who perform
5 exceptionally?

6 A Yes.

7 Q Was it Director Mueller who gave you your award?

8 A No. I believe that was actually under Comey.

9 Q Director Comey. Okay.

10 And so he assigned you to that team as a
11 supervisory counterintelligence agent on Crossfire
12 Hurricane, right?

13 A Correct.

14 Q And is it fair to say that you built a team of
15 diggers?

16 A Yes.

17 Q And the diggers would be people who would try to
18 get information, right?

19 A Right.

20 Q Okay. Have you ever heard of the term "finished
21 intelligence report"?

22 A I have.

23 Q What is that?

24 A A finished intelligence report is something that
25 is, number one, not raw. Number two, it has been

1 evaluated, assessed. And usually by finished, we mean
2 it's been published in some standardized format.

3 Q It is fair to say at the beginning of Crossfire
4 Hurricane, your supervisor told you that Crossfire
5 Hurricane would not be -- would not produce finished
6 intelligence reports?

7 A That is correct.

8 Q Okay. And that you would be analyzing travel
9 records, analysis, and other database information,
10 correct?

11 A That is correct.

12 Q Okay. We're going to talk about travel records
13 later.

14 Is it fair to say that the majority of assignments
15 were given to your team by FBI agents?

16 A I wouldn't say the majority of assignments given.
17 I think it was one of those things where we had
18 analysts embedded or working together with agents. And
19 so it would be sort of an -- sometimes assigned,
20 sometimes organic.

21 Q But your agents weren't saying, "Agent So and So,
22 we need to do X, Y, and Z"; the agents would say, "Hey,
23 I would like you to help me do X, Y, or Z"?

24 A Yeah, oftentimes.

25 Q Fair enough.

1 So if an agent were to say to one of your
2 supervisors, "Hey, can you get travel records for
3 Sergei Millian," would they do that?

4 A Yes.

5 Q And if an agent said, "Hey, can you get travel
6 records for Igor Danchenko," would they do that?

7 A Yes.

8 Q Okay. Now, let's talk about your knowledge of
9 Mr. Millian. Before we cover your meeting with
10 Mr. Danchenko in January 2017, you were aware of
11 Mr. Millian; is that right?

12 A That is correct.

13 Q And, in fact, is it fair to say that in August of
14 2016 that the FBI had spotted Mr. Millian meeting with
15 an individual that the FBI was looking at?

16 A Yes.

17 Q So you are aware that he popped up on the FBI's
18 radar in August 2016, before the FBI had knowledge
19 about the Steele report, right?

20 A Correct.

21 Q Because that wasn't until September 2019, right?

22 A Correct.

23 Q I'm sorry. September 19 of 2016?

24 A Correct.

25 Q So in 2016, in August, before Mr. Danchenko was

1 connected to the dossier or anything, the FBI had the
2 name Sergei Millian on its radar screen, right?

3 A Correct.

4 Q Okay. And you knew a lot -- so once you got his
5 name, I'm assuming that the analytics team started to
6 do research on Mr. Millian.

7 A Yes, it did.

8 Q And one of the things that you did was that you
9 researched open source material, right?

10 A Yes.

11 Q Okay. And would it be fair to say that
12 Mr. Millian had a huge open source presence in that
13 time frame discussing his connections to Donald Trump?

14 A I believe, yes.

15 Q Okay. And would it be fair to say that
16 Mr. Millian was boasting about his business
17 relationships with Mr. Trump not only in Florida but
18 also in Russia? Correct?

19 A I don't recall exactly boasting or anything of
20 that sort, but I do believe I recall some connections
21 there.

22 Q We talked about that. Boasting is my word, but
23 discussing it; fair to say?

24 A Yes, fair.

25 Q Okay. And you understood that he was the founder

1 president of the Russian-American chamber of commerce,
2 right?

3 A Correct.

4 Q And just going back to Crossfire Hurricane, in
5 August, when the information was out there publicly
6 that he's saying he has business connections to
7 Mr. Trump and all of those other things, that's a
8 reason why the FBI would want to take a further look at
9 him, correct?

10 A One reason, yes.

11 Q Correct, one of them.

12 And you knew that he resided in New York or
13 appeared in New York with some regularity?

14 A Correct.

15 MR. ONORATO: Your Honor, can we approach?

16 THE COURT: Yes.

17 (Conference at the bench, as follows:)

18 THE COURT: Yes.

19 MR. ONORATO: In this area, I would like to
20 start to explore -- and I think Mr. Durham showed him
21 information to suggest that he had certain facts that
22 he wasn't aware of, whether they would have been useful
23 to him. The conversations in the week of the alleged
24 phone call between Mr. Millian and Mr. Danchenko,
25 Mr. Millian is talking about meetings with the Trump

1 campaign and those things. So I want to know if those
2 pieces of information would be referred to him.

3 MR. DURHAM: Can you just repeat that?

4 MR. ONORATO: Sure. I'm sorry, John.

5 MR. DURHAM: Yeah.

6 MR. ONORATO: So when I mentioned this
7 morning that I want to introduce facts to him as an
8 analyst -- because there are -- he is talking about
9 he's having upcoming meetings with the Trump campaign
10 and team in July and August of 2016. I want to know if
11 those were important facts for him to learn either back
12 then as an analyst or today as an analyst.

13 MR. DURHAM: For what purpose?

14 MR. ONORATO: For the purpose of
15 establishing, first of all, materiality and, second of
16 all, for him to make a conclusion that the information
17 was likely correct based upon the things that were out
18 there.

19 MR. DURHAM: I don't think that goes to
20 materiality. I mean, I know we can say it all goes to
21 materiality.

22 THE COURT: Given the information that was
23 pretty wide-range, I'm going to allow you to get into
24 that.

25 MR. ONORATO: Thank you.

1 THE COURT: All right.

2 (Proceedings continued in open court, as follows:)

3 MR. ONORATO: The Court's indulgence.

4 BY MR. ONORATO:

5 Q So I would like you to look at what's been marked
6 as Defense Exhibit 483. That's an English and Russian
7 version of that document.

8 A So 483 I'm looking at?

9 Q Yes.

10 A This is an email.

11 Q Oh, I'm sorry. I apologize. I want you to go to
12 481. My apologies.

13 A So 481. Okay.

14 Q And, again, I don't want to discuss whether the
15 information in this email is truthful, okay. But it
16 purports to be an email from Sergei Millian, right?

17 A 481, yes.

18 Q Okay. And it purports to be sent on July 15 of
19 2016?

20 A Correct.

21 Q And it purports to be to someone named
22 bridgeusa --

23 A @aol.com, yes.

24 Q And the subject matter is Trump?

25 A Trump, yes.

1 Q Okay. And do you remember when Mr. Durham asked
2 you questions about if you had certain facts, would
3 they have been material or helpful to you? Right?

4 A Yes. Yes.

5 Q Okay. So in July 15 of 2016, again, the same time
6 frame that Mr. Danchenko allegedly received this
7 anonymous phone call, right?

8 A Yes.

9 Q If you had known that Mr. Millian was telling
10 people that he would be meeting with Trump and his
11 people, would that be significant to you?

12 A Yes.

13 Q Okay. So I'm going to ask you to look at 4 -- and
14 that's what that email purports to say, that
15 Mr. Millian was going to be meeting with Trump and his
16 people?

17 A It's in Russian.

18 Q Did you look at --

19 A I don't have the translation. Hold on. Sorry.

20 Q You should.

21 A Excuse me, yes.

22 Q Okay. So that would have been material and
23 important when evaluating whether the anonymous caller
24 could have been Mr. Millian?

25 A Yes, this would have been helpful.

1 Q Correct.

2 Did anybody from Mr. Durham's team ever show you
3 that document?

4 A This is the first time I've seen this document.

5 Q Okay. Do you think, prior to your testimony on
6 the subject matter, it would have been helpful for
7 somebody on that team to show you that document?

8 A I don't know who bridgeusa@aol.com is, but in
9 terms of anything with Millian, that would have been
10 helpful to see, yes.

11 Q Right. Because what you're trying to do is see
12 whether Millian had a conversation about Russia with
13 Mr. Danchenko, right?

14 A Yes.

15 Q Okay. So let's go to the next document. That's
16 482, again, the translated page. It's also dated the
17 same day. So it's July 15, 2016, but this time it's
18 from Millian to a person named Zlodorev, right?

19 A Correct.

20 Q And Zlodorev is someone that Mr. Danchenko
21 discussed with you in your January meetings, correct?

22 A That is correct.

23 Q In fact, he told you that Zlodorev was actually
24 the individual that put him in touch with Millian,
25 right?

1 A That is my recollection, yes.

2 Q Okay. And it's fair to say, again, not whether a
3 meeting happened or it was truthful, but that Millian
4 was saying at the beginning of August, "I'm meeting
5 with Trump and his people. I assume we will discuss
6 Russia." Right?

7 A Yes.

8 Q And, again, that fact would be important for you
9 as an analyst, right?

10 A Yes.

11 Q And that's a document that Mr. Danchenko, of
12 course, was not copied on, right?

13 A Correct.

14 Q But did the special counsel show you that document
15 before today?

16 A I have not seen this document.

17 Q But you would agree with me those types of
18 discussions would be important and material for you to
19 analyze the situation when Mr. Danchenko is describing
20 his discussions with Millian?

21 A Yes. In terms of interactions with Millian, this
22 would have been helpful to have, yes.

23 Q Thank you.

24 MR. ONORATO: The Court's indulgence.

25

1 BY MR. ONORATO:

2 Q Now, you also understand that when Crossfire
3 Hurricane opened -- I think you testified yesterday
4 that there were four people who the government was
5 looking at, correct?

6 A Correct.

7 Q Papadopoulos?

8 A Correct.

9 Q Paul Manafort, the former campaign manager?

10 A Correct.

11 Q Carter Page?

12 A Correct.

13 Q And the fourth?

14 A Michael Flynn.

15 Q And are you aware that -- I think Mr. Durham asked
16 you -- whether Mr. Page was ever charged or convicted
17 of a crime?

18 A Yes, he did. He asked me that.

19 Q And what did you tell him?

20 A No.

21 Q What about the other three people?

22 A Well, Mr. Manafort, yes.

23 Q Was he convicted?

24 A Yes.

25 Q Next person?

1 A Michael Flynn.

2 Q Convicted?

3 A Yes.

4 Q Okay. Next?

5 A George Papadopoulos.

6 Q Okay. And?

7 A Yes.

8 Q So three of those four were convicted of crimes?

9 A Correct.

10 Q Based on the Crossfire Hurricane investigation?

11 A As it went over to the special counsel's office,
12 yes.

13 Q Okay.

14 THE COURT: Mr. Onorato, are you offering 481
15 and 482?

16 MR. ONORATO: I am, Your Honor.

17 THE COURT: All right. Over objection 481,
18 481T, 482, and 482T are admitted.

19 MR. DURHAM: No objection, Your Honor.

20 THE COURT: No objection?

21 MR. DURHAM: No objection.

22 THE COURT: All right. Without objection,
23 those are admitted.

24 MR. ONORATO: Your Honor, can I publish them
25 to the jury?

1 THE COURT: Yes.

2 MR. ONORATO: If you would, go to 481T, the
3 English.

4 MR. DURHAM: Your Honor, could we just ask
5 the Court to give an instruction. I think counsel is
6 offering it not for the truth.

7 THE COURT: Yes.

8 Ladies and gentlemen, I've admitted two
9 exhibits you're about to see. They are being admitted
10 solely as evidence of the fact of those statements, not
11 for the truth of what those statements say.

12 BY MR. ONORATO:

13 Q Okay. I know we've read them, but just for the
14 jury to see, that's when -- July 15, about a week or so
15 before Mr. Danchenko says that he got this anonymous
16 phone call, that Millian is telling people that he's
17 going to be meeting with the Trump folks, correct?

18 A Correct.

19 Q And just to the next exhibit. And I'm not going
20 to do what Mr. Durham did and show every single word
21 and read everything. We're just going to highlight it.
22 Okay.

23 Again, he's telling Mr. Zlodorev that he is
24 meeting with Trump and his people, correct?

25 A Correct.

1 Q And that's an important fact, right?

2 A Yes.

3 Q Okay. So I think you testified yesterday to a
4 number of different phases of the Crossfire Hurricane
5 investigation.

6 A Yes, I did.

7 Q And I think I've read somewhere that you once
8 characterized the phase where you met with
9 Mr. Danchenko as spaghetti.

10 A Yes, I did.

11 Q Can you tell us what you mean by that term
12 "spaghetti" and what the investigation was like?

13 A What I mean is that at that period of time, the
14 period circa December 2016 until about March 2017, many
15 of the cases had been -- initially, we had been very
16 centralized and in one area on one team working on the
17 Crossfire cases. In the second period, that
18 centralization was removed, and a number of cases went
19 to different parts of the FBI, different field offices
20 and the like. And so it meant that not only were the
21 cases in certain areas, but it meant that the reporting
22 chains in some cases were different as well than they
23 had been.

24 Q Okay. And so is it fair to say that there were a
25 lot of moving parts in the -- I'll call it the

1 spaghetti phase.

2 A Yes, there were.

3 Q And is it fair to say that there were a lot of
4 people employed by the United States government, the
5 FBI, working a lot of hours?

6 A Yes.

7 Q Okay. And it's fair to say that you are one of
8 the people working a lot of hours, right?

9 A Correct.

10 Q And you did that because you wanted to do your
11 best, right?

12 A Correct.

13 Q You were trying to do your best information --
14 best job to get the data you needed to kind of help the
15 investigation, right?

16 A Correct.

17 Q And sometimes -- in hindsight, we can always say,
18 "Hey, you should have done X or Y or Z," right?

19 A Yes.

20 Q But at the time, you thought you were doing
21 everything that you needed to do that was important to
22 you?

23 A Correct.

24 Q Okay. All right. So we are going to talk in a
25 minute about how you got to meet Mr. Danchenko. Okay.

1 But you were able to figure out Mr. Danchenko's
2 identity by doing what you do, and that is make
3 analytical judgments, right?

4 A Correct.

5 Q So you looked at data, correct?

6 A Correct.

7 Q You looked at travel records?

8 A Correct.

9 Q You looked at Facebook connections?

10 A Correct.

11 Q And you indicated that this guy is likely the
12 person that talked to Mr. Steele, right?

13 A Correct.

14 Q You figured that out on your own?

15 A Correct.

16 Q And that's because when -- the FBI met with
17 Mr. Steele, right?

18 A Yes.

19 Q And that was back when? In October 2016?

20 A Early October 2016.

21 Q He did not want to tell you who his subsource was,
22 his primary subsource, right?

23 A Correct.

24 Q And the reason he didn't want to tell you his
25 primary subsource was that he was concerned about his

1 safety, right?

2 A That's my recollection, yes.

3 Q Okay. And he was trying to protect Mr. Danchenko,
4 right?

5 A Correct.

6 Q And despite Mr. Durham asking you about the
7 million dollars that was offered to him, right?

8 A Correct.

9 Q The most important thing for him to do was not
10 jeopardize his safety?

11 A I wouldn't say in the course and scope of our
12 discussion that it was articulated in terms of this is
13 more important than that.

14 Q But he didn't take him up on the offer to tell you
15 who Mr. Danchenko was?

16 A He did not provide the information that we said he
17 could provide to get him up to a million dollars,
18 correct.

19 Q He did not?

20 A He did not.

21 Q So he was not motivated by a million dollars to
22 give up Mr. Danchenko's name, right?

23 A That wasn't on offer to give up.

24 Q But in terms of the, look, if you give up
25 Danchenko's name, somebody would give him a payout,

1 right?

2 A No, it wouldn't have gone like that.

3 Q So what is the import of the testimony yesterday?

4 I don't understand.

5 A So the import of the testimony is that -- how I

6 would articulate that Mr. Steele was given --

7 basically, in the FBI, if you are out attempting to

8 recruit, let's say, an intelligence officer from a

9 foreign country and you might -- and I've actually

10 heard this pitched before to an intelligence officer

11 where if you have information that could lead to, for

12 example, a penetration of the American government, you

13 could -- if a successful prosecution occurs, you could

14 potentially earn up to a million dollars.

15 So this was very similar in terms of the pitch to

16 that. If you are able to provide corroborating

17 information -- and I think we talked about my

18 recollection with respect to my testimony in the IG

19 report was that, you know, there were three so-called

20 buckets that were discussed with Mr. Steele. And that

21 if there could be any corroborating information, any

22 documentary evidence, things of that sort that led to a

23 successful prosecution, Mr. Steele would be able to

24 earn potentially up to a million dollars.

25 Q So you would agree with me that one of the most

1 important things -- your takeaway there is to know who
2 his primary subsource was, right?

3 A That is correct.

4 Q He didn't give you that?

5 A He did not.

6 Q And the predicate to that, of course, is to get
7 paid, you need to at least start by giving up your
8 primary subsource?

9 A That would be one piece.

10 Q Right. He told you that he gathered information,
11 right?

12 A Correct.

13 Q That he couldn't corroborate it on his own, right?

14 A Correct.

15 Q That he'd need to talk to his primary subsource,
16 right?

17 A Well, I recall him saying that he needs to talk to
18 him, but that would be the logical outlie if he's
19 getting information from a single source.

20 Q Again, I don't want to go too far with it, but I
21 guess the predicate is he'd have to provide information
22 that would corroborate who Mr. Danchenko was to be able
23 to receive that reward?

24 A Correct.

25 Q Okay. And he didn't provide that?

1 A He did not.

2 Q Because of his safety?

3 A Yes, he did not provide it because of safety.

4 Q Thank you.

5 So let's talk to the days leading up to your
6 meeting with Mr. Danchenko. It was the government's
7 position from the outset that you wanted to convert
8 Mr. Danchenko to a confidential human source?

9 A That's my recollection, yes.

10 Q In fact, you said that in your affidavit that you
11 submitted, right, to the FBI?

12 A Correct.

13 Q Okay. And there's an email that we're going to
14 show you, what's marked as 402 for identification.

15 A I'm on 402.

16 Q Okay. And this 402 discusses -- are you copied on
17 that email?

18 A I am, yes.

19 Q Okay. And so you're situationally aware of the
20 fact that the government developed what we call an
21 operations plan?

22 A Yes.

23 Q Okay. And that was to figure out how to approach
24 Mr. Danchenko, right?

25 A Correct.

1 Q To get him to cooperate?

2 A Correct.

3 Q Okay. Thank you.

4 Now, ultimately, there was an agreement to meet
5 with Mr. Danchenko from January 24 through January 26
6 of 2017, right?

7 A Right.

8 Q Okay. And you were at the meeting?

9 A Yes.

10 Q And Steve Somma was at the meeting?

11 A Correct.

12 Q Okay. And I think you testified yesterday that
13 Steve Somma would actually be the handling agent if you
14 were able to convert Mr. Danchenko to a confidential
15 human source.

16 A I recall that that was the initial idea.

17 Q Okay. And you were subpoenaed to come to court
18 here today, right, by the government? Did they
19 subpoena you? Were you compelled to come here?

20 A No.

21 Q But if you didn't come to court today, would the
22 government come out and get you for not appearing at
23 trial?

24 A I don't know exactly what the government would do
25 if I didn't appear here.

1 Q But Mr. Danchenko wasn't subpoenaed to meet with
2 you; was he?

3 A No, he was not.

4 Q And you know what a subpoena is, right?

5 A I do.

6 Q A subpoena is kind of a compulsory process where
7 someone has to come and meet with you, correct?

8 A Correct.

9 Q And the FBI will sometimes ask a prosecutor, like
10 Mr. Durham's team, to subpoena evidence or witnesses to
11 grand juries to get information, right?

12 A Correct.

13 Q And no subpoena was done here, right?

14 A Correct.

15 Q Okay. The outreach was voluntary, right?

16 A Yes, it was.

17 Q So Danchenko appeared voluntarily, and he met with
18 you over the course of three days, right?

19 A Yes.

20 Q And there were long sessions?

21 A I recall, yes.

22 Q Okay. Because you wrote, you know, a very long
23 what we call a version of a 302, right?

24 A We call it an EC, but yeah.

25 Q A 302, it's just an internal FBI report, right?

1 A Correct.

2 Q Okay. And it took you a while to write it because
3 you covered a lot of topics?

4 A Correct.

5 Q Okay. And I think in your affidavit, you said you
6 were one of the people picked to do this because you
7 were involved in a lot of interviews in your career?

8 A Yes.

9 Q But, again, the primary purpose of the meeting was
10 to get him as a source for an investigation, right?

11 A Well, no. The primary purpose of the three-day
12 meeting was to obtain corroboration or information with
13 the idea also that that wouldn't necessarily be the
14 last time we might meet with him and to see if we could
15 bring him on as a source.

16 Q Okay. We might be saying similar things. So let
17 me just double-check something.

18 A Okay.

19 THE COURT: Thank you, Counsel.

20 Counsel, we're going to go ahead and break
21 for lunch.

22 We're going to take our luncheon recess at
23 this time. We'll reconvene at 2:00. Please do not
24 discuss this case during the luncheon recess.

25 (The jury exits at 12:57 p.m.)

1 THE COURT: Mr. Auten, do not discuss your
2 testimony during the recess.

3 The Court will stand in recess.

4 -----
Time: 12:58 p.m.

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22 I certify that the foregoing is a true and
23 accurate transcription of my stenographic notes.

24

25

/s/
Rhonda F. Montgomery, CCR, RPR